(123rd General Assembly)
(Amended Substitute House Bill Number 283)

AN ACT

To amend sections 9.06, 9.07, 102.02, 103.143, 103.71, 109.081, 111.18, 117.14, 117.44, 117.45, 118.01, 118.05, 118.08, 120.04, 120.06, 120.18, 120.28, 120.33, 121.05, 121.11, 121.24, 121.371, 122.011, 122.05, 122.15, 122.152, 122.71, 122.92, 124.04, 124.07, 124.181, 125.023, 125.04, 125.111, 125.15, 125.28, 126.12, 126.21, 126.25, 126.31, 126.32, 127.16, 129.55, 129.63, 129.73, 131.01, 133.20, 135.63, 149.30, 166.03, 166.05, 169.02, 169.03, 169.09, 173.35, 181.52, 307.851, 307.86, 307.98, 311.01, 329.04, 329.06, 329.12, 340.03, 341.011, 718.01, 742.63, 753.19, 901.41, 901.62, 901.63, 924.51, 1101.15, 1107.15, 1109.23, 1151.07, 1151.201, 1155.07, 1155.10, 1155.13, 1161.09, 1161.38, 1163.09, 1163.13, 1163.16, 1181.06, 1301.01, 1309.401, 1317.07, 1321.57, 1322.02, 1322.10, 1501.01, 1507.01, 1507.12, 1509.02, 1509.071, 1513.30, 1515.091, 1521.04, 1547.67, 1547.68, 1547.72, 1555.12, 2108.15, 2305.232, 2941.51, 2949.17, 2949.19, 2949.20, 2949.201, 3109.13, 3109.14, 3109.15, 3109.16, 3109.17, 3109.18, 3301.68, 3375.90, 3383.08, 3501.18, 3501.21, 3517.152, 3701.04, 3701.262, 3701.89, 3702.52, 3702.57, 3702.58, 3702.68, 3705.24, 3721.31, 3721.33, 3722.01, 3722.011, 3722.10, 3722.15, 3722.16, 3722.17, 3734.02, 3734.05, 3734.06, 3734.18, 3734.28, 3734.57, 3734.82, 3734.87, 3734.901, 3742.03, 3742.04, 3742.05, 3742.08, 3742.19, 3745.11, 3748.07, 3748.13, 3750.02, 3753.03, 3753.05, 3769.20, 3793.08, 3793.10, 3793.12, 3901.02, 4105.17, 4112.12, 4115.34, 4163.07, 4301.10, 4301.30, 4301.334, 4301.43, 4301.62, 4303.07,

4303.10, 4303.181, 4303.182, 4303.30, 4303.35, 4399.12, 4501.27, 4511.191, 4511.83, 4701.03, 4701.06, 4703.36, 4703.37, 4709.01, 4712.01, 4713.01, 4713.02, 4713.04, 4713.05, 4713.06, 4713.10, 4713.17, 4713.20, 4717.03, 4717.05, 4717.07, 4717.13, 4723.06, 4723.08, 4723.28, 4725.16, 4725.17, 4729.54, 4730.11, 4731.281, 4732.05, 4732.14, 4735.06, 4735.07, 4735.09, 4735.14, 4735.141, 4736.12, 4741.17, 4741.19, 4747.05, 4747.06, 4747.07, 4747.10, 4747.13, 4759.05, 4759.06, 4766.02, 4766.04, 4766.05, 4766.07, 4773.04, 4905.80, 4911.17, 4931.11, 4931.21, 4931.99, 4933.14, 4937.02, 4981.09, 5101.03, 5101.16, 5101.18, 5101.21, 5101.22, 5101.23, 5101.33, 5101.46, 5101.52, 5101.541, 5101.544, 5101.83, 5101.93, 5104.30, 5104.32, 5104.34, 5104.38, 5107.02, 5107.05, 5107.10, 5107.16, 5107.22, 5107.24, 5107.26, 5107.28, 5107.60, 5108.06, 5111.01, 5111.022, 5111.113, 5111.23, 5111.231, 5112.01, 5112.03, 5112.06, 5112.07, 5112.08, 5112.09, 5112.17, 5112.18, 5115.01, 5117.07, 5117.09, 5119.16, 5119.22, 5119.61, 5120.14, 5121.03, 5121.04, 5121.06, 5121.07, 5121.08, 5121.09, 5121.10, 5123.60, 5126.35, 5139.27, 5139.271, 5139.28, 5139.281, 5139.43, 5139.50, 5139.51, 5139.55, 5145.30, 5502.21, 5502.22, 5502.25, 5502.28, 5502.34, 5515.01, 5528.36, 5703.05, 5703.052, 5703.053, 5703.21, 5709.62, 5709.63, 5709.632, 5709.83, 5711.16, 5711.22, 5727.01, 5727.111, 5727.12, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.48, 5727.50, 5727.60, 5733.05, 5733.16, 5733.33, 5733.98, 5739.31, 5741.02, 5743.08, 5743.14, 5743.55, 5743.59, 5743.99, 5747.11, 5749.02, 5907.11, 5907.13, 5907.141, 5907.15, 6109.01, 6109.21, and 6119.10; to amend, for the purpose of adopting a new section number as indicated in parentheses, section

122.75 (122.751) of the Revised Code as it results from Am. Sub. H.B. 117 of the 121st General Assembly; to enact new sections 122.75, 2108.021, and 2151.55 and sections 9.08, 101.30, 101.301, 117.441, 121.481, 122.19, 122.20, 122.21, 122.22, 131.39, 135.91, 135.92, 135.93, 135.94, 135.95, 135.96, 135.97, 166.032, 173.011, 173.401, 175.26, 329.023, 329.041, 329.07, 340.05, 340.091, 1181.18, 1501.25, 2108.022, 2151.551, 2151.552, 2151.553, 2151.554, 2744.10, 3353.06, 3353.07, 3701.043, 3701.044, 3701.264, 3721.025, 3722.18, 3734.281, 3769.201, 4112.15, 4115.101, 4117.24, 4723.282, 4939.01, 4939.02, 4939.03, 4939.04, 5101.072, 5101.34, 5101.341, 5101.342, 5101.343, 5101.50, 5101.501, 5101.502, 5101.503, 5101.51, 5101.511, 5101.512, 5101.513, 5101.514, 5101.515, 5101.516, 5101.517, 5101.518, 5101.519, 5101.85, 5101.851, 5101.852, 5101.853, 5101.854, 5104.341, 5107.11, 5107.161, 5107.162, 5107.17, 5107.61, 5111.014, 5111.019, 5111.025, 5111.026, 5111.173, 5117.071, 5119.631, 5126.054, 5126.357, 5145.19, 5145.20, 5709.70, 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, 5727.29, 5733.351, 5733.39, and 5733.42; and to repeal sections 101.64, 117.16, 1155.131, 1163.17, 2108.021, 2151.55, 4113.14, 4121.07, 4931.01, 4931.03, 4931.08, 4931.20, 4931.23, 4931.24, 5107.77, 5111.172, and 5115.08 of the Revised Code; to repeal section 122.75 of the Revised Code as it purportedly results from Am. Sub. H.B. 356 of the 121st General Assembly; to repeal the version of section 2108.15 of the Revised Code that is to take effect on December 31, 2000; and to amend Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; to amend Section

153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to amend Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, as subsequently amended; to amend Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly; to amend Section 3 of Sub. H.B. 694 of the 122nd General Assembly; to amend Sections 3.01, 3.03, 21, and 30.25 of Am. Sub. H.B. 850 of the 122nd General Assembly; to amend Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly; to amend Section 5.03 of Am. Sub. H.B. 163 of the 123rd General Assembly; to amend Section 4 of Sub. H.B. 167 of the 121st General Assembly, as subsequently amended; to amend Section 4 of Sub. H.B. 167 of the 121st General Assembly, as subsequently amended, for the purpose of changing its number to section 5101.86; to repeal Section 50.48 of Am. Sub. H.B. 215 of the 122nd General Assembly; to repeal Section 25 of Am. Sub. H.B. 650 of the 122nd General Assembly; and to repeal Section 17.03 of Am. Sub. H.B. 850 of the 122nd General Assembly to make operating appropriations for the biennium beginning July 1, 1999, and ending June 30, 2001, and to provide authorization and conditions for the operation of state programs, and to terminate the Muskingum River Advisory Council on December 31, 2002, by repealing section 1501.25 of the Revised Code on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9.06, 9.07, 102.02, 103.143, 103.71, 109.081, 111.18, 117.14, 117.44, 117.45, 118.01, 118.05, 118.08, 120.04, 120.06, 120.18, 120.28, 120.33, 121.05, 121.11, 121.24, 121.371, 122.011, 122.05, 122.15, 122.152, 122.71, 122.92, 124.04, 124.07, 124.181, 125.023, 125.04,

125.111, 125.15, 125.28, 126.12, 126.21, 126.25, 126.31, 126.32, 127.16, 129.55, 129.63, 129.73, 131.01, 133.20, 135.63, 149.30, 166.03, 166.05, 169.02, 169.03, 169.09, 173.35, 181.52, 307.851, 307.86, 307.98, 311.01, 329.04, 329.06, 329.12, 340.03, 341.011, 718.01, 742.63, 753.19, 901.41, 901.62, 901.63, 924.51, 1101.15, 1107.15, 1109.23, 1151.07, 1151.201, 1155.07, 1155.10, 1155.13, 1161.09, 1161.38, 1163.09, 1163.13, 1163.16, 1181.06, 1301.01, 1309.401, 1317.07, 1321.57, 1322.02, 1322.10, 1501.01, 1507.01, 1507.12, 1509.02, 1509.071, 1513.30, 1515.091, 1521.04, 1547.67, 1547.68, 1547.72, 1555.12, 2108.15, 2305.232, 2941.51, 2949.17, 2949.19, 2949.20, 2949.201, 3109.13, 3109.14, 3109.15, 3109.16, 3109.17, 3109.18, 3301.68, 3375.90, 3383.08, 3501.18, 3501.21, 3517.152, 3701.04, 3701.262, 3701.89, 3702.52, 3702.57, 3702.58, 3702.68, 3705.24, 3721.31, 3721.33, 3722.01, 3722.011, 3722.10, 3722.15, 3722.16, 3722.17, 3734.02, 3734.05, 3734.06, 3734.18, 3734.28, 3734.57, 3734.82, 3734.87, 3734.901, 3742.03, 3742.04, 3742.05, 3742.08, 3742.19, 3745.11, 3748.07, 3748.13, 3750.02, 3753.03, 3753.05, 3769.20, 3793.08, 3793.10, 3793.12, 3901.02, 4105.17, 4112.12, 4115.34, 4163.07, 4301.10, 4301.30, 4301.334, 4301.43, 4301.62, 4303.07, 4303.10, 4303.181, 4303.182, 4303.30, 4303.35, 4399.12, 4501.27, 4511.191, 4511.83, 4701.03, 4701.06, 4703.36, 4703.37, 4709.01, 4712.01, 4713.01, 4713.02, 4713.04, 4713.05, 4713.06, 4713.10, 4713.17, 4713.20, 4717.03, 4717.05, 4717.07, 4717.13, 4723.06, 4723.08, 4723.28, 4725.16, 4725.17, 4729.54, 4730.11, 4731.281, 4732.05, 4732.14, 4735.06, 4735.07, 4735.09, 4735.14, 4735.141, 4736.12, 4741.17, 4741.19, 4747.05, 4747.06, 4747.07, 4747.10, 4747.13, 4759.05, 4759.06, 4766.02, 4766.04, 4766.05, 4766.07, 4773.04, 4905.80, 4911.17, 4931.11, 4931.21, 4931.99, 4933.14, 4937.02, 4981.09, 5101.03, 5101.16, 5101.18, 5101.21, 5101.22, 5101.23, 5101.33, 5101.46, 5101.52, 5101.541, 5101.544, 5101.83, 5101.93, 5104.30, 5104.32, 5104.34, 5104.38, 5107.02, 5107.05, 5107.10, 5107.16, 5107.22, 5107.24, 5107.26, 5107.28, 5107.60, 5108.06, 5111.01, 5111.022, 5111.113, 5111.23, 5111.231, 5112.01, 5112.03, 5112.06, 5112.07, 5112.08, 5112.09, 5112.17, 5112.18, 5115.01, 5117.07, 5117.09, 5119.16, 5119.22, 5119.61, 5120.14, 5121.03, 5121.04, 5121.06, 5121.07, 5121.08, 5121.09, 5121.10, 5123.60, 5126.35, 5139.27, 5139.271, 5139.28, 5139.281, 5139.43, 5139.50, 5139.51, 5139.55, 5145.30, 5502.21, 5502.22, 5502.25, 5502.28, 5502.34, 5515.01, 5528.36, 5703.05, 5703.052, 5703.053, 5703.21, 5709.62, 5709.63, 5709.632, 5709.83, 5711.16, 5711.22, 5727.01, 5727.111, 5727.12, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.48, 5727.50, 5727.60, 5733.05, 5733.16, 5733.33, 5733.98, 5739.31, 5741.02, 5743.08, 5743.14, 5743.55, 5743.59, 5743.99, 5747.11, 5749.02, 5907.11, 5907.13, 5907.141, 5907.15, 6109.01, 6109.21, and 6119.10 be amended; section

122.75 (122.751) as it results from Am. Sub. H.B. 117 of the 121st General Assembly be amended for the purpose of adopting a new section number as indicated in parentheses; Section 4 of Sub. H.B. 167 of the 121st General Assembly, as amended by Sub. H.B. 710 of the 121st General Assembly and Am. Sub. H.B. 215 of the 122nd General Assembly, be amended and renumbered as section 5101.86; and new sections 122.75, 2108.021, and 2151.55 and sections 9.08, 101.30, 101.301, 117.441, 121.481, 122.19, 122.20, 122.21, 122.22, 131.39, 135.91, 135.92, 135.93, 135.94, 135.95, 135.96, 135.97, 166.032, 173.011, 173.401, 175.26, 329.023, 329.041, 329.07, 340.05, 340.091, 1181.18, 1501.25, 2108.022, 2151.551, 2151.552, 2151.553, 2151.554, 2744.10, 3353.06, 3353.07, 3701.043, 3701.044, 3701.264, 3721.025, 3722.18, 3734.281, 3769.201, 4112.15, 4115.101, 4117.24, 4723.282, 4939.01, 4939.02, 4939.03, 4939.04, 5101.072, 5101.34, 5101.341, 5101.342, 5101.343, 5101.50, 5101.501, 5101.502, 5101.503, 5101.51, 5101.511, 5101.512, 5101.513, 5101.514, 5101.515, 5101.516, 5101.517, 5101.518, 5101.519, 5101.85, 5101.851, 5101.852, 5101.853, 5101.854, 5104.341, 5107.11, 5107.161, 5107.162, 5107.17, 5107.61, 5111.014, 5111.019, 5111.025, 5111.026, 5111.173, 5117.071, 5119.631, 5126.054, 5126.357, 5145.19, 5145.20, 5709.70, 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, 5727.29, 5733.351, 5733.39, and 5733.42 of the Revised Code be enacted to read as follows:

Sec. 9.06. (A)(1) The department of rehabilitation and correction shall contract for the private operation and management pursuant to this section of the initial intensive program prison established pursuant to section 5120.033 of the Revised Code and may contract for the private operation and management of any other facility under this section. Counties and municipal corporations to the extent authorized in sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code, may contract for the private operation and management of a facility under this section. A contract entered into under this section shall be for an initial term of not more than two years, with an option to renew for additional periods of two years.

(2) Not later than December 31, 1998, the department of rehabilitation and correction, by rule, shall adopt minimum criteria and specifications that a person or entity, other than a person or entity that satisfies the criteria set forth in division (A)(3)(a) of this section and subject to division (I) of this section, must satisfy in order to apply to operate and manage as a contractor pursuant to this section the initial intensive program prison established pursuant to section 5120.033 of the Revised Code.

(3) Subject to division (I) of this section, any person or entity that applies to operate and manage a facility as a contractor pursuant to this

section shall satisfy one or more of the following criteria:

(a) The person or entity is accredited by the American correctional association and, at the time of the application, operates and manages one or more facilities accredited by the American correctional association.

(b) The person or entity satisfies all of the minimum criteria and specifications adopted by the department of rehabilitation and correction pursuant to division (A)(2) of this section, provided that this alternative shall be available only in relation to the initial intensive program prison established pursuant to section 5120.033 of the Revised Code.

(4) Subject to division (I) of this section, before a public entity may enter into a contract under this section, the contractor shall convincingly demonstrate to the public entity that it can operate the facility with the inmate capacity required by the public entity and provide the services required in this section and realize at least a five per cent savings over the projected cost to the public entity of providing these same services to operate the facility that is the subject of the contract. No out-of-state prisoners may be housed in any facility that is the subject of a contract entered into under ~~to~~ this section.

(B) Subject to division (I) of this section, any contract entered into under this section shall include all of the following:

(1) A requirement that the contractor retain the contractor's accreditation from the American correctional association throughout the contract term or, if the contractor applied pursuant to division (A)(3)(b) of this section, continue complying with the applicable criteria and specifications adopted by the department of rehabilitation and correction pursuant to division (A)(2) of this section;

(2) A requirement that all of the following conditions be met:

(a) The contractor begins the process of accrediting the facility with the American correctional association no later than sixty days after the facility receives its first inmate.

(b) The contractor receives accreditation of the facility within twelve months after the date the contractor applies to the American correctional association for accreditation.

(c) Once the accreditation is received, the contractor maintains it for the duration of the contract term.

(d) If the contractor does not comply with divisions (B)(2)(a) to (c) of this section, the contractor is in violation of the contract and the public entity may revoke the contract at its discretion.

(3) A requirement that the contractor comply with all rules promulgated by the department of rehabilitation and correction that apply to the operation

and management of correctional facilities, including the minimum standards for jails in Ohio and policies regarding the use of force and the use of deadly force, although the public entity may require more stringent standards, and comply with any applicable laws, rules, or regulations of the federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity.

(4) A requirement that the contractor report for investigation all crimes in connection with the facility to the public entity, to all local law enforcement agencies ~~having~~ with jurisdiction over the place at which the facility is located, and, for a crime committed at a state correctional institution, to the state highway patrol;

(5) A requirement that the contractor immediately report all escapes from the facility, and the apprehension of all escapees, by telephone and in writing to all local law enforcement agencies with jurisdiction over the place at which the facility is located, to the prosecuting attorney of the county in which the facility is located, to the state highway patrol, to a daily newspaper having general circulation in the county in which the facility is located and, if the institution is a state correctional institution, to the department of rehabilitation and correction. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement regarding an escape is a violation of section 2921.22 of the Revised Code.

(6) A requirement that, if the facility is a state correctional institution, the contractor provide a written report within specified time limits to the director of rehabilitation and correction or the director's designee of all unusual incidents at the facility as defined in rules promulgated by the department of rehabilitation and correction or, if the facility is a local correctional institution, that the contractor provide a written report to the governing authority of the local public entity~~.~~;

~~(6)~~(7) A requirement that the contractor maintain proper control of inmates' personal funds pursuant to rules promulgated by the department of rehabilitation and correction, for state correctional institutions, or pursuant to the minimum standards for jails along with any additional standards established by the local public entity, for local correctional institutions, and that records pertaining to these funds be made available to representatives of the public entity for review or audit;

~~(7)~~(8) A requirement that the contractor prepare and distribute to the director of rehabilitation and correction or, if contracting with a local public entity, to the governing authority of the local entity, annual budget income and expenditure statements and funding source financial reports;

~~(8)~~(9) A requirement that the public entity appoint and supervise a full-time contract monitor, that the contractor provide suitable office space for the contract monitor at the facility, and that the contractor allow the contract monitor unrestricted access to all parts of the facility and all records of the facility except the contractor's financial records;

~~(9)~~(10) A requirement that if the facility is a state correctional institution, designated department of rehabilitation and correction staff members be allowed access to the facility in accordance with rules promulgated by the department;

~~(10)~~(11) A requirement that the contractor provide internal and perimeter security as agreed upon in the contract;

~~(11)~~(12) If the facility is a state correctional institution, a requirement that the contractor impose discipline on inmates housed in a state correctional institution, only in accordance with rules promulgated by the department of rehabilitation and correction;

~~(12)~~(13) A requirement that the facility be staffed at all times with a staffing pattern approved by the public entity and adequate both to ensure supervision of inmates and maintenance of security within the facility, and to provide for programs, transportation, security, and other operational needs. In determining security needs, the contractor shall be required to consider, among other things, the proximity of the facility to neighborhoods and schools.

~~(13)~~(14) If the contract is with a local public entity, a requirement that the contractor provide ~~the following~~ services and programs, consistent with the minimum standards for jails promulgated by the department of rehabilitation and correction under section 5120.10 of the Revised Code;

~~(14)~~(15) A clear statement that no immunity from liability granted to the state, and no immunity from liability granted to political subdivisions under Chapter 2744. of the Revised Code, shall extend to the contractor or any of the contractor's employees;

~~(15)~~(16) A statement that all documents and records relevant to the facility shall be maintained in the same manner required for, and subject to the same laws, rules, and regulations as apply to, the records of the public entity;

~~(16)~~(17) Authorization for the public entity to impose a fine on the contractor from a schedule of fines included in the contract for the

contractor's failure to perform its contractual duties, or to cancel the contract, as the public entity considers appropriate. If a fine is imposed, the public entity may reduce the payment owed to the contractor pursuant to any invoice in the amount of the imposed fine.

~~(17)~~(18) A statement that all services provided or goods produced at the facility shall be subject to the same regulations, and the same distribution limitations, as apply to goods and services produced at other correctional institutions;

~~(18)~~(19) Authorization for the department to establish one or more prison industries at a facility operated and managed by a contractor for the department;

~~(19)~~(20) A requirement that, if the facility is an intensive program prison established pursuant to section 5120.033 of the Revised Code, the facility shall comply with all criteria for intensive program prisons of that type that are set forth in that section;

(21) If the institution is a state correctional institution, a requirement that the contractor provide clothing for all inmates housed in the facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as an inmate, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-inmates, that the contractor require all inmates housed in the facility to wear the clothing so provided, and that the contractor not permit any inmate, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as an inmate and that normally is worn outside the facility by non-inmates.

(C) No contract entered into under this section may require, authorize, or imply a delegation of the authority or responsibility of the public entity to a contractor for any of the following:

(1) Developing or implementing procedures for calculating inmate release and parole eligibility dates and recommending the granting or denying of parole, although the contractor may submit written reports that have been prepared in the ordinary course of business;

(2) Developing or implementing procedures for calculating and awarding earned credits, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in such work, and granting, denying, or revoking earned credits;

(3) For inmates serving a term imposed for a felony offense committed prior to July 1, 1996, or for a misdemeanor offense, developing or implementing procedures for calculating and awarding good time, approving

the good time, if any, that may be awarded to inmates engaging in work, and granting, denying, or revoking good time;

(4) For inmates serving a term imposed for a felony offense committed on or after July 1, 1996, extending an inmate's term pursuant to the provisions of law governing bad time;

(5) Classifying an inmate or placing an inmate in a more or a less restrictive custody than the custody ordered by the public entity;

(6) Approving inmates for work release;

(7) Contracting for local or long distance telephone services for inmates or receiving commissions from such services at a facility that is owned by or operated under a contract with the department.

(D) A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of this section, relative to an intensive program prison established pursuant to section 5120.033 of the Revised Code to be operated by a contractor that has been approved to operate the prison under this section, shall provide an adequate policy of insurance specifically including, but not limited to, insurance for civil rights claims as determined by a risk management or actuarial firm with demonstrated experience in public liability for state governments. The insurance policy shall provide that the state, including all state agencies, and all political subdivisions of the state with jurisdiction over the facility or in which a facility is located are named as insured, and that the state and its political subdivisions shall be sent any notice of cancellation. The contractor may not self-insure.

A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of this section, relative to an intensive program prison established pursuant to section 5120.033 of the Revised Code to be operated by a contractor that has been approved to operate the prison under this section, shall indemnify and hold harmless the state, its officers, agents, and employees, and any local government entity in the state having jurisdiction over the facility or ownership of the facility, shall reimburse the state for its costs in defending the state or any of its officers, agents, or employees, and shall reimburse any local government entity of that nature for its costs in defending the local government entity, from all of the following:

(1) Any claims or losses for services rendered by the contractor, person, or entity performing or supplying services in connection with the performance of the contract;

(2) Any failure of the contractor, person, or entity or its officers or employees to adhere to the laws, rules, regulations, or terms agreed to in the contract;

(3) Any constitutional, federal, state, or civil rights claim brought against the state related to the facility operated and managed by the contractor;

(4) Any claims, losses, demands, or causes of action arising out of the contractor's, person's, or entity's activities in this state;

(5) Any attorney's fees or court costs arising from any habeas corpus actions or other inmate suits that may arise from any event that occurred at the facility or was a result of such an event, or arise over the conditions, management, or operation of the facility, which fees and costs shall include, but not be limited to, attorney's fees for the state's representation and for any court-appointed representation of any inmate, and the costs of any special judge who may be appointed to hear such actions.

(E) Private correctional officers of a contractor operating and managing a facility pursuant to a contract entered into under this section may carry and use firearms in the course of their employment only after being certified as satisfactorily completing an approved training program as described in division (A) of section 109.78 of the Revised Code.

(F) Upon notification by the contractor of an escape from, or of a disturbance at, the facility that is the subject of a contract entered into under this section, the department of rehabilitation and correction and state and local law enforcement agencies shall use all reasonable means to recapture escapees or quell any disturbance. Any cost incurred by the state or its political subdivisions relating to the apprehension of an escapee or the quelling of a disturbance at the facility shall be chargeable to and borne by the contractor. The contractor shall also reimburse the state or its political subdivisions for all reasonable costs incurred relating to the temporary detention of the escapee following recapture.

(G) Any offense that would be a crime if committed at a state correctional institution or jail, workhouse, prison, or other correctional facility shall be a crime if committed by or with regard to inmates at facilities operated pursuant to a contract entered into under this section.

(H) A contractor operating and managing a facility pursuant to a contract entered into under this section shall pay any inmate workers at the facility at the rate approved by the public entity. Inmates working at the facility shall not be considered employees of the contractor.

(I) In contracting for the private operation and management pursuant to division (A) of this section of the initial intensive program prison

established pursuant to section 5120.033 of the Revised Code or of any other intensive program prison established pursuant to that section, the department of rehabilitation and correction may enter into a contract with a contractor for the general operation and management of the prison and may enter into one or more separate contracts with other persons or entities for the provision of specialized services for persons confined in the prison, including, but not limited to, security or training services or medical, counseling, educational, or similar treatment programs. If, pursuant to this division, the department enters into a contract with a contractor for the general operation and management of the prison and also enters into one or more specialized service contracts with other persons or entities, all of the following apply:

(1) The contract for the general operation and management shall comply with all requirements and criteria set forth in this section, and all provisions of this section apply in relation to the prison operated and managed pursuant to the contract.

(2) Divisions (A)(2), (B), and (C) of this section do not apply in relation to any specialized services contract, except to the extent that the provisions of those divisions clearly are relevant to the specialized services to be provided under the specialized services contract. Division (D) of this section applies in relation to each specialized services contract.

(J) As used in this section:

(1) "Public entity" means the department of rehabilitation and correction, or a county or municipal corporation or a combination of counties and municipal corporations, that has jurisdiction over a facility that is the subject of a contract entered into under this section.

(2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility used only for misdemeanants that is the subject of a contract entered into under this section.

(3) "Governing authority of a local public entity" means, for a county, the board of county commissioners; for a municipal corporation, the legislative authority; for a combination of counties and municipal corporation, all the boards of county commissioners and municipal legislative authorities that joined to create the facility.

(4) "Contractor" means a person who enters into a contract under this section to operate and manage a jail, workhouse, or other correctional facility.

(5) "Facility" means the specific county, multicounty, municipal,

municipal-county, or multicounty-municipal jail, workhouse, prison, or other type of correctional institution or facility used only for misdemeanants, or a state correctional institution, that is the subject of a contract entered into under this section.

Sec. 9.07. (A) As used in this section:

(1) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(2) "Governing authority of a local public entity" means whichever of the following is applicable:

(a) For a county, the board of county commissioners of the county;

(b) For a municipal corporation, the legislative authority of the municipal corporation;

(c) For a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations, all boards of county commissioners and legislative authorities of all of the counties and municipal corporations that combined to form a local public entity for purposes of this section.

(3) "Local public entity" means a county, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations.

(4) "Non-contracting political subdivision" means any political subdivision to which all of the following apply:

(a) A correctional facility for the housing of out-of-state prisoners in this state is or will be located in the political subdivision.

(b) The correctional facility described in division (A)(4)(a) of this section is being operated and managed, or will be operated and managed, by a local public entity or a private contractor pursuant to a contract entered into prior to ~~the effective date of this section~~ March 17, 1998, or a contract entered into on or after ~~the effective date of this section~~ March 17, 1998, under this section.

(c) The political subdivision is not a party to the contract described in division (A)(4)(b) of this section for the management and operation of the correctional facility.

(5) "Out-of-state jurisdiction" means the United States, any state other than this state, and any political subdivision or other jurisdiction located in a state other than this state.

(6) "Out-of-state prisoner" means a person who is convicted of a crime in another state or under the laws of the United States or who is found under the laws of another state or of the United States to be a delinquent child or

the substantially equivalent designation.

(7) "Private contractor" means either of the following:

(a) A person who, on or after ~~the effective date of this section~~ March 17, 1998, enters into a contract under this section with a local public entity to operate and manage a correctional facility in this state for out-of-state prisoners.

(b) A person who, pursuant to a contract with a local public entity entered into prior to ~~the effective date of this section~~ March 17, 1998, operates and manages on ~~the effective date of this section~~ March 17, 1998, a correctional facility in this state for housing out-of-state prisoners.

(B) Subject to division (I) of this section, the only entities other than this state that are authorized to operate a correctional facility to house out-of-state prisoners in this state are a local public entity that operates a correctional facility pursuant to this section or a private contractor that operates a correctional facility pursuant to this section under a contract with a local public entity.

Subject to division (I) of this section, a private entity may operate a correctional facility in this state for the housing of out-of-state prisoners only if the private entity is a private contractor that enters into a contract that comports with division (D) of this section with a local public entity for the management and operation of the correctional facility.

(C)(1) Except as provided in this division, on and after ~~the effective date of this section~~ March 17, 1998, a local public entity shall not enter into a contract with an out-of-state jurisdiction to house out-of-state prisoners in a correctional facility in this state. On and after ~~the effective date of this section~~ March 17, 1998, a local public entity may enter into a contract with an out-of-state jurisdiction to house out-of-state prisoners in a correctional facility in this state only if the local public entity and the out-of-state jurisdiction with which the local public entity intends to contract jointly submit to the department of rehabilitation and correction a statement that certifies the correctional facility's intended use, intended prisoner population, and custody level, and the department reviews and comments upon the plans for the design or renovation of the correctional facility regarding their suitability for the intended prisoner population specified in the submitted statement.

(2) If a local public entity and an out-of-state jurisdiction enter into a contract to house out-of-state prisoners in a correctional facility in this state as authorized under division (C)(1) of this section, in addition to any other provisions it contains, the contract shall include whichever of the following provisions is applicable:

(a) If a private contractor will operate the facility in question pursuant to a contract entered into in accordance with division (D) of this section, a requirement that, if the facility is closed or ceases to operate for any reason and if the conversion plan described in division (D)(16) of this section is not complied with, the out-of-state jurisdiction will be responsible for housing and transporting the prisoners who are in the facility at the time it is closed or ceases to operate and for the cost of so housing and transporting those prisoners;

(b) If a private contractor will not operate the facility in question pursuant to a contract entered into in accordance with division (D) of this section, a conversion plan that will be followed if, for any reason, the facility is closed or ceases to operate. The conversion plan shall include, but is not limited to, provisions that specify whether the local public entity or the out-of-state jurisdiction will be responsible for housing and transporting the prisoners who are in the facility at the time it is closed or ceases to operate and for the cost of so housing and transporting those prisoners.

(3) If a local public entity and an out-of-state jurisdiction intend to enter into a contract to house out-of-state prisoners in a correctional facility in this state as authorized under division (C)(1) of this section, or if a local public entity and a private contractor intend to enter into a contract pursuant to division (D) of this section for the private contractor's management and operation of a correctional facility in this state to house out-of-state prisoners, prior to entering into the contract the local public entity and the out-of-state jurisdiction, or the local public entity and the private contractor, whichever is applicable, shall conduct a public hearing in accordance with this division, and, prior to entering into the contract, the governing authority of the local public entity in which the facility is or will be located shall authorize the location and operation of the facility. The hearing shall be conducted at a location within the municipal corporation or township in which the facility is or will be located. At least one week prior to conducting the hearing, the local public entity and the out-of-state jurisdiction or private contractor with the duty to conduct the hearing shall cause notice of the date, time, and place of the hearing to be made by publication in the newspaper with the largest general circulation in the county in which the municipal corporation or township is located. The notice shall be of a sufficient size that it covers at least one-quarter of a page of the newspaper in which it is published. This division applies to a private contractor that, pursuant to the requirement set forth in division (I) of this section, is required to enter into a contract under division (D) of this section.

(D) Subject to division (I) of this section, on and after ~~the effective date~~

~~of this section~~ March 17, 1998, if a local public entity enters into a contract with a private contractor for the management and operation of a correctional facility in this state to house out-of-state prisoners, the contract, at a minimum, shall include all of the following provisions:

(1) A requirement that the private contractor seek and obtain accreditation from the American correctional association for the correctional facility within two years after accepting the first out-of-state prisoner at the correctional facility under the contract and that it maintain that accreditation for the term of the contract;

(2) A requirement that the private contractor comply with all applicable laws, rules, or regulations of the government of this state, political subdivisions of this state, and the United States, including, but not limited to, all sanitation, food service, safety, and health regulations;

(3) A requirement that the private contractor send copies of reports of inspections completed by appropriate authorities regarding compliance with laws, rules, and regulations of the type described in division (D)(2) of this section to the director of rehabilitation and correction or the director's designee and to the governing authority of the local public entity in which the correctional facility is located;

(4) A requirement that the private contractor report to the local law enforcement agencies with jurisdiction over the place at which the correctional facility is located, for investigation, all criminal offenses or delinquent acts that are committed in or on the grounds of, or otherwise in connection with, the correctional facility and report to the department of rehabilitation and correction all ~~escapes from or~~ disturbances at the facility;

(5) A requirement that the private contractor immediately report all escapes from the facility, and the apprehension of all escapees, by telephone and in writing to the department of rehabilitation and correction, to all local law enforcement agencies with jurisdiction over the place at which the facility is located, to the state highway patrol, to the prosecuting attorney of the county in which the facility is located, and to a daily newspaper having general circulation in the county in which the facility is located. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(6) A requirement that the private contractor provide a written report to the director of rehabilitation and correction or the director's designee and to the governing authority of the local public entity in which the correctional facility is located of all unusual incidents occurring at the correctional facility. The private contractor shall report the incidents in accordance with the incident reporting rules that, at the time of the incident, are applicable to

state correctional facilities for similar incidents occurring at state correctional facilities.

~~(6)~~(7) A requirement that the private contractor provide internal and perimeter security to protect the public, staff members of the correctional facility, and prisoners in the correctional facility;

~~(7)~~(8) A requirement that the correctional facility be staffed at all times with a staffing pattern that is adequate to ensure supervision of inmates and maintenance of security within the correctional facility and to provide for appropriate programs, transportation, security, and other operational needs. In determining security needs for the correctional facility, the private contractor and the contract requirements shall fully take into account all relevant factors, including, but not limited to, the proximity of the facility to neighborhoods and schools.

~~(8)~~(9) A requirement that the private contractor provide an adequate policy of insurance that satisfies the requirements set forth in division (D) of section 9.06 of the Revised Code regarding contractors who operate and manage a facility under that section, and that the private contractor indemnify and hold harmless the state, its officers, agents, and employees, and any local public entity in the state with jurisdiction over the place at which the correctional facility is located or that owns the correctional facility, reimburse the state for its costs in defending the state or any of its officers, agents, or employees, and reimburse any local government entity of that nature for its costs in defending the local government entity, in the manner described in division (D) of that section regarding contractors who operate and manage a facility under that section;

~~(9)~~(10) A requirement that the private contractor ~~develop a security classification schedule~~ adopt for prisoners housed in the correctional facility the security classification system and schedule adopted by the department of rehabilitation and correction under section 5145.03 of the Revised Code, classify in accordance with the system and schedule each prisoner housed in the facility, and house all prisoners in the facility in accordance with their classification under this division;

~~(10)~~(11) A requirement that the private contractor will not accept for housing, and will not house, in the correctional facility any out-of-state prisoner in relation to whom ~~either~~ any of the following applies:

(a) The private entity has not obtained from the out-of-state jurisdiction that imposed the sentence or sanction under which the prisoner will be confined in this state a copy of the institutional record of the prisoner while previously confined in that out-of-state jurisdiction or a statement that the prisoner previously has not been confined in that out-of-state jurisdiction

and a copy of all medical records pertaining to that prisoner that are in the possession of the out-of-state jurisdiction.

(b) The prisoner, while confined in any out-of-state jurisdiction, has a record of institutional violence involving the use of a deadly weapon ~~and~~ or a pattern of committing acts of an assaultive nature against employees of, or visitors to, the place of confinement or has a record of escape or attempted escape from secure custody.

(c) Under the security classification system and schedule adopted by the department of rehabilitation and correction under section 5145.03 of the Revised Code and adopted by the private contractor under division (B)(10) of this section, the out-of-state prisoner would be classified as being at a security level higher than medium security.

~~(11)~~(12) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into a written agreement with the department of rehabilitation and correction that sets forth a plan and procedure that will be used to coordinate law enforcement activities of state law enforcement agencies and of local law enforcement agencies with jurisdiction over the place at which the facility is located in response to any riot, rebellion, escape, insurrection, or other emergency occurring inside or outside the facility;

~~(12)~~(13) A requirement that the private contractor cooperate with the correctional institution inspection committee in the committee's performance of its duties under section 103.73 of the Revised Code and provide the committee, its subcommittees, and its staff members, in performing those duties, with access to the correctional facility as described in that section;

~~(13)~~(14) A requirement that the private contractor permit any peace officer who serves a law enforcement agency with jurisdiction over the place at which the correctional facility is located to enter into the facility to investigate any criminal offense or delinquent act that allegedly has been committed in or on the grounds of, or otherwise in connection with, the facility;

~~(14)~~(15) A requirement that the private contractor will not employ any person at the correctional facility until after the private contractor has submitted to the bureau of criminal identification and investigation, on a form prescribed by the superintendent of the bureau, a request that the bureau conduct a criminal records check of the person and a requirement that the private contractor will not employ any person at the facility if the records check or other information possessed by the contractor indicates that the person previously has engaged in malfeasance;

~~(15)~~(16) A requirement that the private contractor will not accept for housing, and will not house, in the correctional facility any out-of-state prisoner unless the private contractor and the out-of-state jurisdiction that imposed the sentence for which the prisoner is to be confined agree that, if the out-of-state prisoner is confined in the facility in this state, commits a criminal offense while confined in the facility, is convicted of or pleads guilty to that offense, and is sentenced to a term of confinement for that offense but is not sentenced to death for that offense, the private contractor and the out-of-state jurisdiction will do all of the following:

(a) Unless section 5120.50 of the Revised Code does not apply in relation to the offense the prisoner committed while confined in this state and the term of confinement imposed for that offense, the out-of-state jurisdiction will accept the prisoner pursuant to that section for service of that term of confinement and for any period of time remaining under the sentence for which the prisoner was confined in the facility in this state, the out-of-state jurisdiction will confine the prisoner pursuant to that section for that term and that remaining period of time, and the private contractor will transport the prisoner to the out-of-state jurisdiction for service of that term and that remaining period of time.

(b) If section 5120.50 of the Revised Code does not apply in relation to the offense the prisoner committed while confined in this state and the term of confinement imposed for that offense, the prisoner shall be returned to the out-of-state jurisdiction or its private contractor for completion of the period of time remaining under the out-of-state sentence for which the prisoner was confined in the facility in this state before starting service of the term of confinement imposed for the offense committed while confined in this state, the out-of-state jurisdiction or its private contractor will confine the prisoner for that remaining period of time and will transport the prisoner outside of this state for service of that remaining period of time, and, if the prisoner is confined in this state in a facility operated by the department of rehabilitation and correction, the private contractor will be financially responsible for reimbursing the department at the per diem cost of confinement for the duration of that incarceration, with the amount of the reimbursement so paid to be deposited in the department's prisoner programs fund.

~~(16)~~(17) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into an agreement with the local public entity that sets forth a conversion plan that will be followed if, for any reason, the facility is closed or ceases to operate. The conversion plan shall include, but is not limited to, provisions

that specify whether the private contractor, the local public entity, or the out-of-state jurisdictions that imposed the sentences for which the out-of-state prisoners are confined in the facility will be responsible for housing and transporting the prisoners who are in the facility at the time it is closed or ceases to operate and for the cost of so housing and transporting those prisoners.

~~(17)~~(18) A schedule of fines that the local public entity shall impose upon the private contractor if the private contractor fails to perform its contractual duties, and a requirement that, if the private contractor fails to perform its contractual duties, the local public entity shall impose a fine on the private contractor from the schedule of fines and, in addition to the fine, may exercise any other rights it has under the contract. Division (F)(2) of this section applies regarding a fine described in this division.

~~(18)~~(19) A requirement that the private contractor adopt and use in the correctional facility the drug testing and treatment program that the department of rehabilitation and correction uses for inmates in state correctional institutions;

(20) A requirement that the private contractor provide clothing for all out-of-state prisoners housed in the correctional facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as a prisoner, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-prisoners, that the private contractor require all out-of-state prisoners housed in the facility to wear the clothing so provided, and that the private contractor not permit any out-of-state prisoner, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as a prisoner and that normally is worn outside the facility by non-prisoners;

(21) A requirement that, at the time the contract is made, the private contractor provide to all parties to the contract adequate proof that it has complied with the requirement described in division (D)(9) of this section, and a requirement that, at any time during the term of the contract, the private contractor upon request provide to any party to the contract adequate proof that it continues to be in compliance with the requirement described in division (D)(9) of this section.

(E) A private correctional officer or other designated employee of a private contractor that operates a correctional facility that houses out-of-state prisoners in this state under a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998, may carry and use firearms in the course of the officer's or employee's employment only if the

officer or employee is certified as having satisfactorily completed an approved training program designed to qualify persons for positions as special police officers, security guards, or persons otherwise privately employed in a police capacity, as described in division (A) of section 109.78 of the Revised Code.

(F)(1) Upon notification by the private contractor of an escape from, or of a disturbance at, a correctional facility that is operated by a private contractor under a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998, and that houses out-of-state prisoners in this state, the department of rehabilitation and correction and state and local law enforcement agencies shall use all reasonable means to recapture persons who escaped from the facility or quell any disturbance at the facility, in accordance with the plan and procedure included in the written agreement entered into under division (D)~~(11)~~(12) of this section in relation to contracts entered into on or after ~~the effective date of this section~~ March 17, 1998, and in accordance with their normal procedures in relation to contracts entered into prior to ~~the effective date of this section~~ March 17, 1998 Any cost incurred by this state or a political subdivision of this state relating to the apprehension of a person who escaped from the facility, to the quelling of a disturbance at the facility, or to the investigation or prosecution as described in division (G)(2) of this section of any offense relating to the escape or disturbance shall be chargeable to and borne by the private contractor. The contractor also shall reimburse the state or its political subdivisions for all reasonable costs incurred relating to the temporary detention of a person who escaped from the facility, following the person's recapture.

(2) If a private contractor that, on or after ~~the effective date of this section~~ March 17, 1998, enters into a contract under this section with a local public entity for the operation of a correctional facility that houses out-of-state prisoners fails to perform its contractual duties, the local public entity shall impose upon the private contractor a fine from the schedule of fines included in the contract and may exercise any other rights it has under the contract. A fine imposed under this division shall be paid to the local public entity that enters into the contract, and the local public entity shall deposit the money so paid into its treasury to the credit of the fund used to pay for community policing. If a fine is imposed under this division, the local public entity may reduce the payment owed to the private contractor pursuant to any invoice in the amount of the fine.

(3) If a private contractor, on or after ~~the effective date of this section~~ March 17, 1998, enters into a contract under this section with a local public

entity for the operation of a correctional facility that houses out-of-state prisoners in this state, the private contractor shall comply with the insurance, indemnification, hold harmless, and cost reimbursement provisions described in division (D)~~(8)~~(9) of this section.

(G)(1) Any act or omission that would be a criminal offense or a delinquent act if committed at a state correctional institution or at a jail, workhouse, prison, or other correctional facility operated by this state or by any political subdivision or group of political subdivisions of this state shall be a criminal offense or delinquent act if committed by or with regard to any out-of-state prisoner who is housed at any correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998.

(2) If any political subdivision of this state experiences any cost in the investigation or prosecution of an offense committed by an out-of-state prisoner housed in a correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998, the private contractor shall reimburse the political subdivision for the costs so experienced.

(3)(a) Except as otherwise provided in this division, the state, and any officer or employee, as defined in section 109.36 of the Revised Code, of the state is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the establishment, management, or operation of a correctional facility to house out-of-state prisoners in this state pursuant to a contract between a local public entity and an out-of-state jurisdiction, a local public entity and a private contractor, or a private contractor and an out-of-state jurisdiction that was entered into prior to ~~the effective date of this section~~ March 17, 1998, or that is entered into on or after ~~the effective date of this section~~ March 17, 1998, in accordance with its provisions. The immunity provided in this division does not apply regarding an act or omission of an officer or employee, as defined in section 109.36 of the Revised Code, of the state that is manifestly outside the scope of the officer's or employee's official responsibilities or regarding an act or omission of the state, or of an officer or employee, as so defined, of the state that is undertaken with malicious purpose, in bad faith, or in a wanton or reckless manner.

(b) Except as otherwise provided in this division, a non-contracting political subdivision, and any employee, as defined in section 2744.01 of the Revised Code, of a non-contracting political subdivision is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the establishment, management,

or operation of a correctional facility to house out-of-state prisoners in this state pursuant to a contract between a local public entity other than the non-contracting political subdivision and an out-of-state jurisdiction, a local public entity other than the non-contracting political subdivision and a private contractor, or a private contractor and an out-of-state jurisdiction that was entered into prior to ~~the effective date of this section~~ March 17, 1998, or that is entered into on or after ~~the effective date of this section~~ March 17, 1998, in accordance with its provisions. The immunity provided in this division does not apply regarding an act or omission of an employee, as defined in section 2744.01 of the Revised Code, of a non-contracting political subdivision that is manifestly outside the scope of the employee's employment or official responsibilities or regarding an act or omission of a non-contracting political subdivision or an employee, as so defined, of a non-contracting political subdivision that is undertaken with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) Divisions (G)(3)(a) and (b) of this section do not affect any immunity or defense that the state and its officers and employees or a non-contracting political subdivision and its employees may be entitled to under another section of the Revised Code or the common law of this state, including, but not limited to, section 9.86 or Chapter 2744. of the Revised Code.

(H)(1) Upon the completion of an out-of-state prisoner's term of detention at a correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998, the operator of the correctional facility shall transport the prisoner to the out-of-state jurisdiction that imposed the sentence for which the prisoner was confined before it releases the prisoner from its custody.

(2) No private contractor that operates and manages a correctional facility housing out-of-state prisoners in this state pursuant to a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998, shall fail to comply with division (H)(1) of this section.

(3) Whoever violates division (H)(2) of this section is guilty of a misdemeanor of the first degree.

(I) Except as otherwise provided in this division, the provisions of divisions (A) to (H) of this section apply in relation to any correctional facility operated by a private contractor in this state to house out-of-state prisoners, regardless of whether the facility is operated pursuant to a contract entered into prior to, on, or after ~~the effective date of this section~~ March 17, 1998 Division (C)(1) of this section shall not apply in relation to

any correctional facility for housing out-of-state prisoners in this state that is operated by a private contractor under a contract entered into with a local public entity prior to ~~the effective date of this section~~ March 17, 1998 If a private contractor operates a correctional facility in this state for the housing of out-of-state prisoners under a contract entered into with a local public entity prior to ~~the effective date of this section~~ March 17, 1998, no later than ~~one hundred eighty~~ thirty days after the effective date of this ~~section~~ amendment, the private contractor shall enter into a contract with the local public entity that comports to the requirements and criteria of division (D) of this section.

Sec. 9.08. The department of administrative services shall conduct an ongoing study to monitor the performance of all state correctional facilities that are privately operated and managed pursuant to section 9.06 of the Revised Code, including the facilities located in the municipal corporations of Conneaut and Grafton. The department shall delineate the scope of the study and may revise the scope of the study when appropriate. The department shall make regular reports containing the findings of the study to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The department shall submit a report at least once per year but may submit reports at more frequent intervals. In each report, the department shall describe the current scope of the study.

Sec. 101.30. (A) As used in this section:

(1) "Legislative document" includes, but is not limited to, all of the following:

(a) A working paper, work product, correspondence, preliminary draft, note, proposed bill or resolution, proposed amendment to a bill or resolution, analysis, opinion, memorandum, or other document in whatever form or format prepared by legislative staff for a member of the general assembly or for general assembly staff;

(b) Any document or material in whatever form or format provided by a member of the general assembly or general assembly staff to legislative staff that requests, or that provides information or materials to assist in, the preparation of any of the items described in division (A)(1)(a) of this section;

(c) Any summary of a bill or resolution or of an amendment to a bill or resolution in whatever form or format that is prepared by or in the possession of a member of the general assembly or general assembly staff, if the summary is prepared before the bill, resolution, or amendment is filed for introduction or presented at a committee hearing or floor session, as

applicable.

(2) "Legislative staff" means the staff of the legislative service commission, legislative budget office of the legislative service commission, or any other legislative agency included in the legislative service commission budget group.

(3) "General assembly staff" means an officer or employee of either house of the general assembly who acts on behalf of a member of the general assembly or on behalf of a committee or either house of the general assembly.

(B) Legislative staff shall maintain a confidential relationship with each member of the general assembly, and with each member of the general assembly staff, with respect to communications between the member of the general assembly or general assembly staff and legislative staff. Except as otherwise provided in this division and division (C) of this section, a legislative document arising out of this confidential relationship is not a public record for purposes of section 149.43 of the Revised Code. When it is in the public interest and with the consent of the commission, the director of the commission may release to the public any legislative document in the possession of the commission staff arising out of a confidential relationship with a former member of the general assembly or former member of the general assembly staff who is not available to make the legislative document a public record as provided in division (C) of this section because of death or disability, whom the director is unable to contact for that purpose, or who fails to respond to the director after the director has made a reasonable number of attempts to make such contact.

(C)(1) A legislative document is a public record for purposes of section 149.43 of the Revised Code if it is an analysis, synopsis, fiscal note, or local impact statement prepared by legislative staff that is required to be prepared by law, or by a rule of either house of the general assembly, for the benefit of the members of either or both of those houses or any legislative committee and if it has been presented to those members.

(2) A legislative document is a public record for purposes of section 149.43 of the Revised Code if a member of the general assembly for whom legislative staff prepared the legislative document does any of the following:

(a) Files it for introduction with the clerk of the senate or the clerk of the house of representatives, if it is a bill or resolution;

(b) Presents it at a committee hearing or floor session, if it is an amendment to a bill or resolution or is a substitute bill or resolution;

(c) Releases it, or authorizes general assembly staff or legislative staff to release it, to the public.

Sec. 101.301. (A) As used in this section, "caucus" means all of the members of the house of representatives, or all of the members of the senate, who are members of the same political party.

(B) NOTWITHSTANDING any contrary provision of section 2317.021 of the Revised Code, the members of the general assembly who are members of a caucus, and the officers and employees of the general assembly who either serve that caucus or serve the members of the general assembly who are members of that caucus, are clients, for purposes of the attorney-client testimonial privilege specified in division (a) of section 2317.02 of the Revised Code and for purposes of any other statutory or common law attorney-client privilege recognized in this state, of the employee of the house of representatives or SENATE who serves as the legal counsel for that caucus.

Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, every person who is elected to or is a candidate for a state, county, or city office, or the office of member of the United States congress, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the chief executive officer of each state retirement system; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with

schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section shall file with the appropriate ethics commission on a form prescribed by the commission, a statement disclosing all of the following:

(1) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents as defined in section 101.70 of the Revised Code. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent, as defined in section 101.70 of the Revised Code, during the preceding calendar year,

in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing

it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties except for expenses for travel to meetings or conventions of a national or state organization to which either house of the general assembly, any legislative agency, a state institution of higher education as defined in section 3345.031 of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which either house of the general assembly, any legislative agency, a state institution of higher education as defined in section 3345.031 of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the financial disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73

of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. As used in division (A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a disclosure statement under this section.

A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission

shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, on and after March 2, 1994, the statement required by division (A) or (B) of

this section shall be accompanied by a filing fee of twenty-five dollars.

(2) The statement required by division (A) of this section shall be accompanied by a filing fee to be paid by the person who is elected or appointed to or is a candidate for any of the following offices:

For state office, except member of state board of education	$50
For office of member of United States congress or member of general assembly	$25
For county office	$25
For city office	$10
For office of member of state board of education	$10
For office of member of city, local, exempted village, or cooperative education board of education or educational service center governing board	$ 5
For position of business manager, treasurer, or superintendent of city, local, exempted village, joint vocational, or cooperative education school district or educational service center	$ 5

(3) No judge of a court of record or candidate for judge of such a court, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee equal to one-half of the applicable filing fee for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed one hundred dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Sec. 103.143. In addition to its duties under section 103.14 of the Revised Code, the legislative budget office of the legislative service commission shall, in accordance with this section, review all bills assigned to a committee of the general assembly, complete the appropriate local impact statements required by this section, and compile and distribute these statements as required by division (D) of this section.

(A) Subject to division (F) of this section, whenever any bill is introduced into either house of the general assembly and receives second consideration pursuant to the rules of that house, the bill shall be reviewed immediately by the legislative budget officer. Upon completing this review, the legislative budget officer shall determine whether the bill could result in a net additional cost to school districts, counties, townships, or municipal corporations from any new or expanded program or service that school districts, counties, townships, or municipal corporations would be required to perform or administer under the bill. If the legislative budget officer determines that it could result in such a cost, the legislative budget office shall prepare a local impact statement in the manner specified in this section. Immediately upon determining the potential for a net additional cost, the legislative budget officer shall notify the sponsor of the bill, the chairperson of the committee to which the bill has been assigned, and the presiding officer and minority leader of the house in which the bill originates of the legislative budget officer's determination by signing and dating a statement to be delivered to them.

If a local impact statement is required, the legislative budget office shall, as soon as possible but no later than thirty days after the date the bill is scheduled for a first hearing in a committee in the house in which the bill was introduced or no later than thirty days after being requested to do so by the chairperson of such a committee, prepare a statement containing the most accurate estimate possible, in dollars, of the net additional costs, if any, that will be required of school districts, counties, townships, or municipal corporations to perform or administer a new or expanded program or service required under the bill. Copies of this statement shall be sent to the governor, the speaker of the house of representatives, the president of the senate, the sponsor of the bill, the minority leader in both houses, and the chairperson of the committee to which the bill has been assigned.

No bill for which a local impact statement is required by this section shall be voted out of committee until after the committee members have received and considered the statement or, if the bill was amended in committee, the revised statement, unless the bill is voted out of committee by a two-thirds vote of the membership of the committee.

(B) In preparing a local impact statement, the legislative budget office may request any department, division, institution, board, commission, authority, bureau, or other instrumentality or officer of the state, a school district, a county, a municipal corporation, or a township to provide any of the following information:

(1) An estimate, in dollars, of the amount by which the bill would increase or decrease the revenues received or expenditures made by the instrumentality, officer, or entity;

(2) Any other information the legislative budget office considers necessary for it to understand or explain the fiscal effect of the bill.

An instrumentality, officer, or entity shall comply with a request as soon as reasonably possible, but not later than fifteen days, after receiving it. The legislative budget office shall specify the manner of compliance in its request, and if necessary may specify a period of time longer than fifteen days for compliance. The legislative budget office may consider any information provided under division (B)(1) or (2) of this section in preparing a local impact statement.

(C) Any time a bill is amended, the legislative budget office shall, as soon as reasonably possible, revise the local impact statement to reflect changes made by amendment.

(D) The legislative budget office shall annually compile the final local impact statements completed for all laws passed by both houses of the general assembly in the preceding year. It shall send a copy of this

compilation as a draft report to the state and local government commission and to associations or nonprofit organizations formed for the improvement of school districts or municipal, township, or county government or for their elected officials by the last day of July of each year. Upon receiving the draft report, the state and local government commission shall solicit comments from these associations and organizations about the actual fiscal impact of bills passed during the year covered by the report. The commission shall review and comment on the draft report before returning it to the legislative budget office, along with the comments of the associations and organizations, by the last day of August. The legislative budget office shall then prepare a final report consisting of the compiled local impact statements and all comments returned by the state and local government commission. The final report shall be completed by the last day of September and copies of the report shall be sent to the governor, the speaker of the house of representatives, and the president of the senate.

(E) As used in this section, "net additional cost" means any cost incurred or anticipated to be incurred by a school district, county, township, or municipal corporation in performing or administering a new or expanded program or service required by a state law other than any of the following:

(1) A cost arising from the exercise of authority granted by a state law rather than from the performance of a duty or obligation imposed by a state law;

(2) New duties or obligations that create only a minimal cost for affected school districts, counties, townships, or municipal corporations. The legislative budget office shall determine what constitutes such a minimal cost. Before making this determination, the legislative budget office shall notify the state organizations that represent school districts, counties, townships, and municipal corporations regarding the proposed determination and provide a thirty-day period for these organizations and individual school districts, counties, townships, and municipal corporations to comment on it.

(3) A cost arising from a law passed as a result of a federal mandate.

The amounts described in division (E)(2) of this section include only the amounts remaining after subtracting from such costs any revenues received or receivable by the school district, county, township, or municipal corporation on account of the program or service, including the following:

(a) Fees charged to the recipients of the program or service;

(b) State or federal aid paid specifically or categorically in connection with the program or service;

(c) Any offsetting savings resulting from the diminution or elimination

of any other program or service directly attributable to the performance or administration of the required program or service.

(F) This section does not apply to any of the following:

(1) The main biennial operating appropriations bill;

(2) The biennial operating appropriations bill for state agencies supported by motor fuel tax revenue;

(3) The biennial operating appropriations bill or bills for the bureau of workers' compensation and the industrial commission;

(4) Any other bill that makes the principal biennial operating appropriations for one or more state agencies;

(5) The bill that primarily contains corrections and supplemental appropriations to the biennial operating appropriations bills;

~~(5)~~(6) The main biennial capital appropriations bill;

~~(6)~~(7) The bill that primarily contains reappropriations from previous capital appropriations bills.

Sec. 103.71. There is hereby created a correctional institution inspection committee ~~consisting~~ as a subcommittee of the legislative service commission. The committee shall consist of eight persons, four of whom shall be members of the senate appointed by the president of the senate, not more than two of whom shall be members of the same political party, and four of whom shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than two of whom shall be members of the same political party. Initial appointments to the committee shall be made within fifteen days after the effective date of this section and in the manner prescribed in this section. Thereafter, appointments to the committee shall be made within fifteen days after the commencement of the first regular session of the general assembly and in the manner prescribed in this section. A vacancy on the committee shall be filled for the unexpired term in the same manner as the original appointment. Members of the committee shall serve on the committee until the appointments are made in the first regular session of the following general assembly, unless they cease to be members of the general assembly. The committee, subject to the oversight and direction of the legislative service commission, shall direct the work of the director and staff of the committee.

Sec. 109.081. ~~Nine~~ Up to eleven per cent of all amounts collected by the attorney general, whether by employees or agents of the attorney general or by special counsel pursuant to section 109.08 of the Revised Code, on claims due the state shall be paid into the state treasury to the credit of the attorney general claims fund, which is hereby created. The attorney general,

after consultation with the director of budget and management, shall determine the exact percentage of those collected amounts that shall be paid into the state treasury to the credit of the fund. The fund shall be used for the payment of expenses incurred by the office of the attorney general.

Sec. 111.18. (A) The secretary of state shall keep a record of all fees collected by the secretary of state and, except as otherwise provided in this section and in sections 1309.401 and 1329.68 and division (C)(2) of section 3506.05 of the Revised Code, shall pay, through June 30, 2001, fifty per cent of them into the state treasury to the credit of the general revenue fund and fifty per cent of them into the state treasury to the credit of the corporate and uniform commercial code filing fund created under section 1309.401 of the Revised Code and shall pay, on and after July 1, 2001, all of them into the state treasury to the credit of the general revenue fund. ~~The following~~ Through June 30, 2001, all of the fees collected under divisions (I)(2) and (N) of section 111.16 of the Revised Code shall be paid into the state treasury to the credit of ~~the~~ that corporate and uniform commercial code filing fund ~~created in section 1309.401 of the Revised Code~~. On and after July 1, 2001, the following fees shall be paid into the state treasury to the credit of that corporate and uniform commercial code filing fund:

(1) Twenty-five dollars of each fee collected under divisions (A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised Code;

(2) Twenty-five dollars of each fee collected under division (C) of section 1703.031 of the Revised Code;

(3) All fees collected under divisions (I)(2) and (N) of section 111.16 of the Revised Code;

(4) All fees collected under section 1703.08 of the Revised Code;

(5) Each fifty-dollar fee for amendments filed by foreign nonprofit corporations under section 1703.27 of the Revised Code.

(B) The secretary of state may implement a credit card payment program permitting payment of any fee charged by the secretary of state by means of a credit card. The secretary of state may open an account outside the state treasury in a financial institution for the purpose of depositing credit card receipts. Within forty-eight hours following the deposit of the receipts, the financial institution shall make available to the secretary of state funds in the amount of the receipts. The secretary of state shall then pay these funds into the state treasury to the credit of the general revenue fund, except as otherwise provided by the Revised Code.

The secretary of state may pay the cost of any service charge required by a financial institution or credit card company in connection with a credit card payment program.

The secretary of state shall adopt rules as necessary to carry out the purposes of this division. The rules shall include standards for determining eligible financial institutions and the manner in which funds shall be made available and shall be consistent with the standards contained in sections 135.03, 135.18, and 135.181 of the Revised Code.

Sec. 117.14. ~~A biennial~~ An annual audit of the office of the auditor of state shall be made by an independent certified public accountant appointed by a committee consisting of the governor and the ~~chairmen~~ chairpersons of the finance committees of the senate and the house of representatives. The committee shall make the appointment by the ~~second Monday of October in each odd-numbered~~ thirty-first day of March immediately preceding the last day of the fiscal year to be audited and shall prescribe the contract terms of the audit~~, which shall cover the period beginning the second Monday of January of the current year and ending the day preceding the second Monday of January of the next odd-numbered year~~.

~~Not later than six months after the end of the biennial period examined~~ on or before the fifteenth day of October, the accountant shall submit a report of ~~his~~ the audit completed under this section for the immediately preceding fiscal year to each member of the committee. One copy of the audit report shall be filed with the state library for public inspection. ~~An~~ The audit report ~~completed pursuant to this section~~ is not a public record under section 149.43 of the Revised Code until it is filed with the state library.

The records of the auditor of state shall be made available to the accountant. ~~The accountant shall be paid from the general revenue fund from an appropriation made for that purpose to the office of budget and management.~~

~~If an auditor of state is for any reason unable to complete his statutory term of office, there shall be an audit of the office in addition to and in the same manner as the biennial audit provided for in this section.~~

Sec. 117.44. To enhance local officials' background and working knowledge of government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall hold training programs for persons elected for the first time as township clerks, city auditors, and village clerks, between the first day of December and the fifteenth day of February immediately following a general election for any of these offices. Similar training may also be provided to any township clerk, city auditor, or village clerk who is appointed to fill a vacancy or who is elected in a special election.

The auditor of state also shall develop and provide an annual training program of continuing education for village clerks.

The auditor of state shall determine the manner, content, and length of the training programs after consultation with appropriate statewide organizations of local governmental officials. The auditor of state shall charge the political subdivisions that the trainees represent a registration fee that will meet actual and necessary expenses of the training, including instructor fees, site acquisition costs, and the cost of course materials. The necessary personal expenses incurred by the officials as a result of attending the training program shall be borne by the political subdivisions they represent.

The auditor of state shall allow any other interested person to attend any of the training programs that the auditor of state holds pursuant to this section; provided, that before attending any such training program, the interested person shall pay to the auditor of state the full registration fee that the auditor of state has set for the training program.

There is hereby established in the state treasury the auditor of state training program fund, to be used by the auditor of state for the actual and necessary expenses of any training programs held pursuant to this section, section 117.441, or section 321.46 of the Revised Code. All registration fees collected under this section shall be paid into the fund.

Sec. 117.441. THE AUDITOR OF STATE SHALL CONDUCT A FIDUCIARY TRAINING PROGRAM FOR MEMBERS AND EMPLOYEES OF STATE BOARDS AND COMMISSIONS. THE PROGRAM SHALL BE OFFERED AT LEAST ANNUALLY. THE AUDITOR OF STATE SHALL DETERMINE THE MANNER AND CONTENT OF THE PROGRAM AND MAY CHARGE A REGISTRATION FEE TO DEFRAY THE ACTUAL AND NECESSARY EXPENSES OF THE PROGRAM.

MEMBERS AND EMPLOYEES OF STATE BOARDS AND COMMISSIONS MAY ATTEND THE FIDUCIARY TRAINING PROGRAM OFFERED UNDER THIS SECTION. IF A REGISTRATION FEE IS CHARGED FOR THE PROGRAM, THE AUDITOR OF STATE SHALL DEPOSIT IT INTO THE AUDITOR OF STATE TRAINING PROGRAM FUND ESTABLISHED UNDER SECTION 117.44 OF THE REVISED CODE.

Sec. 117.45. (A) The auditor of state shall draw warrants against the treasurer of state pursuant to all requests for payment that the director of budget and management has approved under section 126.07 of the Revised Code.

(B) Unless the director of human services has provided for the making of payments by electronic benefit transfer, if a financial institution and

unt have been designated by the participant or recipient, payment by the auditor of state to a participant in the Ohio works first program pursuant to Chapter 5107. of the Revised Code or a recipient of disability assistance pursuant to Chapter 5115. of the Revised Code shall be made by direct deposit to the account of the participant or recipient in the financial institution. Payment by the auditor of state to a recipient of ~~public assistance~~ benefits distributed through the medium of electronic benefit transfer pursuant to section 5101.33 of the Revised Code shall be by electronic benefit transfer. Payment by the auditor of state as compensation to an employee of the state who has, pursuant to section 124.151 of the Revised Code, designated a financial institution and account for the direct deposit of such payments shall be made by direct deposit to the account of the employee. Payment to any other payee who has designated a financial institution and account for the direct deposit of such payment may be made by direct deposit to the account of the payee in the financial institution as provided in section 9.37 of the Revised Code. The auditor of state shall contract with an authorized financial institution for the services necessary to make direct deposits or electronic benefit transfers under this division and draw lump sum warrants payable to that institution in the amount to be transferred. Accounts maintained by the auditor of state or the auditor of state's agent in a financial institution for the purpose of effectuating payment by direct deposit or electronic benefit transfer shall be maintained in accordance with section 135.18 of the Revised Code.

(C) All other payments from the state treasury shall be made by paper warrants or by direct deposit payable to the respective payees. The auditor of state may mail the paper warrants to the respective payees or distribute them through other state agencies, whichever the auditor of state determines to be the better procedure.

(D) If the average per transaction cost the auditor of state incurs in making direct deposits for a state agency exceeds the average per transaction cost the auditor of state incurs in drawing paper warrants for all public offices during the same period of time, the auditor of state may certify the difference in cost and the number of direct deposits for the agency to the director of administrative services. The director shall reimburse the auditor of state for such additional costs and add the amount to the processing charge assessed upon the state agency.

Sec. 118.01. As used in this chapter:

(A) "Advance tax payment notes" means the notes authorized by section 118.24 of the Revised Code.

(B) "Appropriation measure" means any appropriation measure,

amendment of an appropriation measure, or supplement to an appropriation measure of a municipal corporation, county, or township referred to in sections 5705.38 and 5705.40 of the Revised Code and any other action of a municipal corporation, county, or township authorizing expenditure of money not previously included in any appropriation measure.

(C) "Bond anticipation notes" means notes issued in anticipation of the issuance of bonds.

(D) "Certificate of estimated resources" means the official certificate of estimated resources of the county budget commission and amendments of the certificate certified to the municipal corporation, county, or township as provided for in Chapter 5705. of the Revised Code.

(E) "Commission" means a financial planning and supervision commission created by section 118.05 of the Revised Code with respect to a municipal corporation, county, or township.

(F) "Construction funds" means proceeds from the sale of debt obligations restricted by law or pursuant to the proceedings for the issuance of such debt obligations to use for permanent improvements as defined in division (E) of section 5705.01 of the Revised Code, including acquisition, construction, or extension of public utilities, and moneys from any other sources restricted to such purpose.

(G) "County auditor" means the county auditor with whom tax budgets of the municipal corporation, county, or township are to be filed in accordance with section 5705.30 of the Revised Code.

(H) "County budget commission" means the county budget commission to which the tax budget of the municipal corporation, county, or township is to be submitted in accordance with section 5705.31 of the Revised Code.

(I) "Current revenue notes" means debt obligations described in section 133.10 or Chapter 5705. of the Revised Code or any other debt obligations issued to obtain funds for current operating expenses.

(J) "Debt limits" means the limitations on net indebtedness provided in sections 133.05, 133.07, and 133.09 of the Revised Code, and also includes the limitation, known as the "indirect debt limit," upon the issuance of unvoted bonds, notes, or certificates of indebtedness resulting from the ten-mill limitation provided for in section 5705.02 of the Revised Code.

(K) "Debt obligations" means bonds, notes, certificates of indebtedness, bond anticipation notes, current revenue notes, local government fund notes, or other obligations issued or incurred in borrowing money, or to renew, refund, fund, or refinance, or issued in exchange for, such obligations, and any interest coupons pertaining thereto other than bonds or other obligations issued under authority of Section 13 of Article VIII, Ohio Constitution.

(L) "Default" means failure to pay the principal of or the interest on a debt obligation, or failure to make other payment to be made to the holder or owner of a debt obligation, in the full amount and at the time provided for in the contractual commitment with respect thereto, unless the time for such payment has been extended by the owner or holder of the debt obligation without penalty or premium and without the effect of subjecting the municipal corporation, county, or township to the initiation of remedies pertaining to such debt obligation or other debt obligations.

(M) "Deficit fund" means the general fund or any special fund that, as at the time indicated, has a deficit balance or a balance that is less than the amount required to be in such fund pursuant to law or pursuant to contractual requirements, demonstrating that over a period of time expenditures charged or chargeable to the fund have exceeded moneys credited to the fund, or that moneys credited to the fund have not been in the amounts required by law or contractual requirements.

(N) "Effective financial accounting and reporting system" means an accounting and reporting system fully in compliance with the requirements prescribed by and pursuant to Chapter 117. of the Revised Code, with such modifications and supplements as are to be provided pursuant to this chapter in order to meet and deal with the fiscal emergency, provide to the auditor of state, the commission, the financial supervisor, and the county budget commission the information needed to carry out their functions, and better ensure the implementation of the financial plan.

(O) "Financial plan" means the financial plan approved by the commission in accordance with section 118.06 of the Revised Code, as it may from time to time be amended in accordance with this chapter.

(P) "Financial supervisor" means the auditor of state ~~or a firm of certified public accountants retained by a financial planning and supervision commission pursuant to division (G) of section 118.05 of the Revised Code with respect to a municipal corporation, county, or township~~.

(Q) "Fiscal emergency" means the existence of fiscal emergency conditions determined as provided in section 118.04 of the Revised Code.

(R) "Fiscal emergency conditions" means any of the events or occurrences described in section 118.03 of the Revised Code.

(S) "Fiscal emergency period" means the period of time commencing on the date when the determination of a fiscal emergency is made by the auditor of state pursuant to section 118.04 of the Revised Code and ending when the determination of termination is made and certified pursuant to section 118.27 of the Revised Code.

(T) "Fiscal watch" means the existence of fiscal watch conditions as

determined in accordance with section 118.022 of the Revised Code.

(U) "Fiscal officer" means the fiscal officer of the municipal corporation, county, or township as defined in division (D) of section 5705.01 of the Revised Code.

(V) "Fringe benefits" means expenditures for goods and services furnished to municipal, county, or township officers or employees by the municipal corporation, county, or township, including, but not limited to, such benefits as food, temporary housing, and clothing, and the provision of pension, retirement, disability, hospitalization, health care, insurance, or other benefits to employees requiring the advance payment of money other than directly to employees or other beneficiaries, or the deposit or reservation of money for such purpose.

(W) "General fund" means the fund referred to in division (A) of section 5705.09 of the Revised Code.

(X) "General fund budget" means aggregate revenues available in the general fund during the applicable fiscal year as shown by the certificate of estimated resources.

(Y) "Mayor" means the officer of the municipal corporation designated as such by law or the chief executive officer under the charter of the municipal corporation.

(Z) "Payroll" means compensation due and payable to employees of the municipal corporation, county, or township, other than fringe benefits.

(AA) "Revenue estimates" means the estimates of revenue receipts to the credit of the general fund and special funds as estimated and supplemented, modified, or amended by the municipal corporation, county, or township, or the county budget commission.

(BB) "Special funds" means any of the funds, other than the general fund, referred to in sections 5705.09 and 5705.12 of the Revised Code, and includes any fund created from the issuance of debt obligations pursuant to Section 3 or 12 of Article XVIII, Ohio Constitution, and any fund created in connection with the issuance of debt obligations to provide moneys for the payment of principal or interest, reserves therefor, or reserves or funds for repair, maintenance, or improvements.

(CC) "Tax budget" means the tax budget provided for in section 5705.28 of the Revised Code.

Sec. 118.05. (A) Pursuant to the powers of the general assembly and for the purposes of this chapter, upon the occurrence of a fiscal emergency in any municipal corporation, county, or township, as determined pursuant to section 118.04 of the Revised Code, there is established, with respect to that municipal corporation, county, or township, a body both corporate and

politic constituting an agency and instrumentality of the state and performing essential governmental functions of the state to be known as the "financial planning and supervision commission for ..... (name of municipal corporation, county, or township)," which, in that name, may exercise all authority vested in such a commission by this chapter. A separate commission is established with respect to each municipal corporation, county, or township as to which there is a fiscal emergency as determined under this chapter.

(B) A commission shall consist of the following seven voting members:

(1) Four ex officio members: the treasurer of state~~,~~; the director of budget and management~~,~~; in the case of a municipal corporation, the mayor of the municipal corporation and the presiding officer of the legislative authority of the municipal corporation~~,~~; in the case of a county, the president of the board of county commissioners and the county auditor~~,~~; and in the case of a township, a member of the board of township trustees and the county auditor.

The treasurer of state may designate a deputy treasurer or director within the office of the treasurer of state or any other appropriate person who is not an employee of the treasurer of state's office; the director of budget and management may designate an individual within the office of budget and management or any other appropriate person who is not an employee of the office of budget and management; the mayor may designate a responsible official within ~~his~~ the mayor's office or the fiscal officer of the municipal corporation; the presiding officer of the legislative authority of the municipal corporation may designate any other member of the legislative authority; the board of county commissioners may designate any other member of the board or the fiscal officer of the county; and the board of township trustees may designate any other member of the board or the fiscal officer of the township to attend the meetings of the commission when the ex officio member ~~making the designation~~ is absent or unable for any reason to attend. A designee, when present, shall be counted in determining whether a quorum is present at any meeting of the commission and may vote and participate in all proceedings and actions of the commission. The designations shall be in writing, executed by the ex officio member or entity making the designation, and filed with the secretary of the commission. The designations may be changed from time to time in like manner, but due regard shall be given to the need for continuity.

(2) Three members nominated and appointed as follows:

The mayor and presiding officer of the legislative authority of the municipal corporation, the board of county commissioners, or the board of

township trustees shall, within ten days after the determination of the fiscal emergency by the auditor of state under section 118.04 of the Revised Code, submit in writing to the governor the nomination of five persons agreed to by them and meeting the qualifications set forth in this division. If the governor is not satisfied that at least three of the nominees are well qualified, the governor shall notify the mayor and presiding officer, or the board of county commissioners, or the board of township trustees to submit in writing, within five days, additional nominees agreed upon by them, not exceeding three. The governor shall appoint three members from all the agreed-upon nominees so submitted or a lesser number that the governor considers well qualified within thirty days after receipt of the nominations, and shall fill any remaining positions on the commission by appointment of any other persons meeting the qualifications set forth in this division. All appointments by the governor shall be made with the advice and consent of the senate. Each of the three appointed members shall serve during the life of the commission, subject to removal by the governor for misfeasance, nonfeasance, or malfeasance in office. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of an appointed member, the governor, pursuant to the process for original appointment, shall appoint a successor.

Each of the three appointed members shall be an individual:

(a) Who has knowledge and experience in financial matters, financial management, or business organization or operations, including at least five years of experience in the private sector in the management of business or financial enterprise~~,~~ or in management consulting, public accounting, or other professional activity;

(b) Whose residency, office, or principal place of professional or business activity is situated within the municipal corporation, county, or township;

(c) Who has not, at any time during the five years preceding the date of appointment, held any elected public office. An

~~An~~ appointed member of the commission shall not become a candidate for elected public office while serving as a member of the commission.

(C) Immediately after appointment of the initial three appointed members of the commission, the governor shall call the first meeting of the commission and shall cause written notice of the time, date, and place of the first meeting to be given to each member of the commission at least forty-eight hours in advance of the meeting.

(D) The ~~commission~~ director of budget and management shall ~~elect one of its members~~ serve as chairperson ~~and another~~ of the commission. The

commission shall elect one of its members to serve as vice-chairperson~~,~~ and may appoint a secretary and any other officers, who need not be members of the commission, it considers necessary.

(E) The commission may adopt and alter bylaws and rules, which shall not be subject to section 111.15 or Chapter 119. of the Revised Code, for the conduct of its affairs and for the manner, subject to this chapter, in which its powers and functions shall be exercised and embodied.

(F) Five members of the commission constitute a quorum of the commission. The affirmative vote of five members of the commission is necessary for any action taken by vote of the commission. No vacancy in the membership of the commission shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the commission. Members of the commission, and their designees, are not disqualified from voting by reason of the functions of the other office they hold and are not disqualified from exercising the functions of the other office with respect to the municipal corporation, county, or township, its officers, or the commission.

(G) The ~~commission shall retain a~~ auditor of state shall serve as the "financial supervisor~~.~~" to the commission unless the auditor of state elects to contract for that service. As used in this chapter, "financial supervisor" means the auditor of state ~~or a firm of certified public accountants with demonstrated professional competence in matters relating to this chapter, engaged by the commission pursuant to a contract approved by the controlling board~~.

(H) At the request of the commission~~,~~ the auditor of state shall designate employees of the auditor of state's office to assist the commission and the financial supervisor and to coordinate the work of the auditor of state's office and the financial supervisor. Upon the determination of a fiscal emergency in any municipal corporation, county, or township, the municipal corporation, county, or township shall provide the commission with such reasonable office space in the principal building housing city, county, or township government, where feasible, as it determines is necessary to carry out its duties under this chapter.

(I) The financial supervisor, the members of the commission, the auditor of state, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this chapter, but the commission, the financial supervisor, the auditor of state, and ~~such~~ those other persons shall be subject to mandamus

oceedings to compel performance of their duties under this chapter and with respect to any debt obligations issued pursuant or subject to this chapter.

(J) At the request of the commission, the administrative head of any state agency shall temporarily assign personnel skilled in accounting and budgeting procedures to assist the commission or the financial supervisor in its duties as financial supervisor.

(K) The appointed members of the commission are not subject to section 102.02 of the Revised Code. Each appointed member of the commission shall file with the commission a signed written statement setting forth the general nature of sales of goods, property, or services or of loans to the municipal corporation, county, or township with respect to which that commission is established, in which the appointed member has a pecuniary interest or in which any member of the appointed member's immediate family, as defined in section 102.01 of the Revised Code, or any corporation, partnership, or enterprise of which the appointed member is an officer, director, or partner, or of which the appointed member or a member of the appointed member's immediate family, as so defined, owns more than a five per cent interest, has a pecuniary interest, and of which sale, loan, or interest such member has knowledge. The statement shall be supplemented from time to time to reflect changes in the general nature of any such sales or loans.

Sec. 118.08. (A) The members of the financial planning and supervision commission shall serve without compensation, but shall be paid by the commission their necessary and actual expenses incurred while engaged in the business of the commission.

(B) All expenses incurred for services rendered by the financial supervisor for a period of twenty-four months shall be paid by the commission pursuant to an appropriation made by the general assembly for this purpose. Expenses incurred for services rendered by the financial supervisor beyond this period shall be borne by the municipal corporation, county, or township unless the director of budget and management waives the costs and allows payment in accordance with the following:

(1) If the continued performance of the financial supervisor is required for a period of twenty-five to thirty months, the municipal corporation, county, or township is responsible for twenty per cent of the compensation due.

(2) If the continued performance of the financial supervisor is required for a period of thirty-one to thirty-six months, the municipal corporation, county, or township is responsible for fifty per cent of the compensation due.

(3) If the continued performance of the financial supervisor is required for a period of thirty-seven months or more, the municipal corporation, county, or township is responsible for one hundred per cent of the compensation due except as otherwise provided in division (B)(4) of this section.

(4) Beginning in fiscal year 2000, if the continued performance of the financial supervisor has been required longer than eight years for any municipal corporation, county, or township declared to be in a fiscal emergency prior to fiscal year 1996, that municipal corporation, county, or township is responsible for fifty per cent of the compensation due in fiscal year 2000 and one hundred per cent of the compensation due in fiscal year 2001.

(C) If the municipal corporation, county, or township fails to make any payment to the financial supervisor as required by this chapter, the financial supervisor may certify to the county auditor the amount due, and that amount shall be withheld from the municipal corporation, county, or township from any fund or funds in the custody of the county auditor for distribution to the municipal corporation, county, or township, except for those reserved for payment of local government fund notes. Upon receiving such certification from the auditor of state, the county auditor shall draw a voucher for the amount against such fund or funds in favor of the financial supervisor.

Sec. 120.04. (A) The state public defender shall serve at the pleasure of the Ohio public defender commission and shall be an attorney with a minimum of four years of experience in the practice of law and be admitted to the practice of law in this state at least one year prior to appointment.

(B) The state public defender shall do all of the following:

(1) Maintain a central office in Columbus. The central office shall be provided with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment.

(2) Appoint assistant state public defenders, all of whom shall be attorneys admitted to the practice of law in this state, and other personnel necessary for the operation of the state public defender office. Assistant state public defenders shall be appointed on a full-time basis. The state public defender, assistant state public defenders, and employees appointed by the state public defender shall not engage in the private practice of law.

(3) Supervise the compliance of county public defender offices, joint county public defender offices, and county appointed counsel systems with standards established by rules of the Ohio public defender commission

pursuant to division (B) of section 120.03 of the Revised Code;

(4) Keep and maintain financial records of all cases handled and develop records for use in the calculation of direct and indirect costs, in the operation of the office, and report periodically, but not less than annually, to the commission on all relevant data on the operations of the office, costs, projected needs, and recommendations for legislation or amendments to court rules, as may be appropriate to improve the criminal justice system;

(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and section 2941.51 of the Revised Code shall be deposited in the state treasury to the credit of the client payment fund, which is hereby created. All moneys credited to the fund shall be used by the state public defender to appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the state public defender office, to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code, or to provide assistance to counties in the operation of county indigent defense systems.

(6) With respect to funds appropriated to the commission to pay criminal costs, perform the duties imposed by ~~section~~ sections 2949.19 and 2949.201 of the Revised Code;

(7) Establish standards and guidelines for the reimbursement, pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code, of counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems and for other costs related to felony prosecutions;

(8) Establish maximum amounts that the state will reimburse the counties pursuant to sections 120.18, 120.28, 120.33, and 2941.51 of the Revised Code;

(9) Establish maximum amounts that the state will reimburse the counties pursuant to section 120.33 of the Revised Code for each specific type of legal service performed by a county appointed counsel system;

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code and make reimbursements pursuant to those sections;

(11) Administer the program established pursuant to sections 120.51 to 120.55 of the Revised Code for the charitable public purpose of providing

financial assistance to legal aid societies. Neither the state public defender nor any of the state public defender's employees who is responsible in any way for the administration of that program and who performs those administrative responsibilities in good faith is in any manner liable if a legal aid society that is provided financial assistance under the program uses the financial assistance other than in accordance with sections 120.51 to 120.55 of the Revised Code or fails to comply with the requirements of those sections.

(12) Establish an office for the handling of appeal and postconviction matters;

(13) Provide technical aid and assistance to county public defender offices, joint county public defender offices, and other local counsel providing legal representation to indigent persons, including representation and assistance on appeals.

(C) The state public defender may do any of the following:

(1) In providing legal representation, conduct investigations, obtain expert testimony, take depositions, use other discovery methods, order transcripts, and make all other preparations which are appropriate and necessary to an adequate defense or the prosecution of appeals and other legal proceedings;

(2) Seek, solicit, and apply for grants for the operation of programs for the defense of indigent persons from any public or private source, and may receive donations, grants, awards, and similar funds from any lawful source. Such funds shall be deposited in the state treasury to the credit of the public defender gifts and grants fund, which is hereby created.

(3) Make all the necessary arrangements to coordinate the services of the office with any federal, county, or private programs established to provide legal representation to indigent persons and others, and to obtain and provide all funds allowable under any such programs;

(4) Consult and cooperate with professional groups concerned with the causes of criminal conduct, the reduction of crime, the rehabilitation and correction of persons convicted of crime, the administration of criminal justice, and the administration and operation of the state public defender's office;

(5) Accept the services of volunteer workers and consultants at no compensation other than reimbursement for actual and necessary expenses;

(6) Prescribe any forms that are necessary for the uniform operation of this chapter;

(7) Contract with a county public defender commission or a joint county public defender commission to provide all or any part of the services that a

county public defender or joint county public defender is required or permitted to provide by this chapter, or contract with a board of county commissioners of a county that is not served by a county public defender commission or a joint county public defender commission for the provision of services in accordance with section 120.33 of the Revised Code. All money received by the state public defender pursuant to such a contract shall be credited to either the ~~county representation fund created pursuant to division (D) of section 120.06 of the Revised Code~~ multi-county: county share fund or, if received as a result of a contract with Trumbull county, the Trumbull county: county share fund.

(8) Authorize persons employed as criminal investigators to attend the Ohio peace officer training academy or any other peace officer training school for training;

(9) Procure a policy or policies of malpractice insurance that provide coverage for the state public defender and assistant state public defenders in connection with malpractice claims that may arise from their actions or omissions related to responsibilities derived pursuant to this chapter.

(D) No person employed by the state public defender as a criminal investigator shall attend the Ohio peace officer training academy or any other peace officer training school unless authorized to do so by the state public defender.

Sec. 120.06. (A)(1) The state public defender, when designated by the court or requested by a county public defender or joint county public defender, may provide legal representation in all courts throughout the state to indigent adults and juveniles who are charged with the commission of an offense or act for which the penalty or any possible adjudication includes the potential loss of liberty.

(2) The state public defender may provide legal representation to any indigent person who, while incarcerated in any state correctional institution, is charged with a felony offense, for which the penalty or any possible adjudication that may be imposed by a court upon conviction includes the potential loss of liberty.

(3) The state public defender may provide legal representation to any person incarcerated in any correctional institution of the state, in any matter in which the person asserts the person is unlawfully imprisoned or detained.

(4) The state public defender, in any case in which the state public defender has provided legal representation or is requested to do so by a county public defender or joint county public defender, may provide legal representation on appeal.

(5) The state public defender, when designated by the court or requested

by a county public defender, joint county public defender, or the director of rehabilitation and correction, shall provide legal representation in parole and probation revocation matters, unless the state public defender finds that the alleged parole or probation violator has the financial capacity to retain the alleged violator's own counsel.

(6) If the state public defender contracts with a county public defender commission, a joint county public defender commission, or a board of county commissioners for the provision of services, under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall provide legal representation in accordance with the contract.

(B) The state public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding pursuant to division (A)(3), (4), or (5) of this section, unless the state public defender first is satisfied that there is arguable merit to the proceeding.

(C) A court may appoint counsel or allow an indigent person to select the indigent's own personal counsel to assist the state public defender as co-counsel when the interests of justice so require. When co-counsel is appointed to assist the state public defender, the co-counsel shall receive any compensation that the court may approve, not to exceed the amounts provided for in section 2941.51 of the Revised Code.

(D) When the state public defender is designated by the court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in any case, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed an itemized bill for fifty per cent of the actual cost of the representation. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay fifty per cent of the actual cost of the legal representation as set forth in the itemized bill. There is hereby created in the state treasury the county representation fund for the deposit of moneys received from counties under this division. All moneys credited to the fund shall be used by the state public defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender.

(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender

may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel to represent the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, and attorneys described in division (C) of section 120.41 of the Revised Code in a malpractice or other civil action or proceeding that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, or in a civil action that is based upon alleged violations of the constitution or statutes of the United States, including section 1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, if the state public defender determines, in good faith, that the defendant in the civil action or proceeding did not act manifestly outside the scope of the defendant's employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner. If the state public defender elects not to contract pursuant to this division for private legal counsel in a civil action or proceeding, then, in accordance with sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the attorney general shall represent or provide for the representation of the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, or attorneys described in division (C) of section 120.41 of the Revised Code in the civil action or proceeding.

(2)(a) Subject to division (E)(2)(b) of this section, payment from the state treasury for the services of private legal counsel with whom the state public defender has contracted pursuant to division (E)(1) of this section shall be accomplished only through the following procedure:

(i) The private legal counsel shall file with the attorney general a copy of the contract; a request for an award of legal fees, court costs, and expenses earned or incurred in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding; a written itemization of those fees, costs, and expenses, including the signature of the state public defender and the state public defender's attestation that the fees, costs, and expenses were earned or incurred pursuant to division (E)(1) of this section to the best of the state public defender's knowledge and information; a written statement whether the fees, costs, and expenses are for all legal services to be rendered in connection with that defense, are only for legal services rendered to the date

of the request and additional legal services likely will have to be provided in connection with that defense, or are for the final legal services rendered in connection with that defense; a written statement indicating whether the private legal counsel previously submitted a request for an award under division (E)(2) of this section in connection with that defense and, if so, the date and the amount of each award granted; and, if the fees, costs, and expenses are for all legal services to be rendered in connection with that defense or are for the final legal services rendered in connection with that defense, a certified copy of any judgment entry in the civil action or proceeding or a signed copy of any settlement agreement entered into between the parties to the civil action or proceeding.

(ii) Upon receipt of a request for an award of legal fees, court costs, and expenses and the requisite supportive documentation described in division (E)(2)(a)(i) of this section, the attorney general shall review the request and documentation; determine whether any of the limitations specified in division (E)(2)(b) of this section apply to the request; and, if an award of legal fees, court costs, or expenses is permissible after applying the limitations, prepare a document awarding legal fees, court costs, or expenses to the private legal counsel. The document shall name the private legal counsel as the recipient of the award; specify the total amount of the award as determined by the attorney general; itemize the portions of the award that represent legal fees, court costs, and expenses; specify any limitation applied pursuant to division (E)(2)(b) of this section to reduce the amount of the award sought by the private legal counsel; state that the award is payable from the state treasury pursuant to division (E)(2)(a)(iii) of this section; and be approved by the inclusion of the signatures of the attorney general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for ~~the payment of the award of legal fees, court costs, or expenses~~ a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies~~, and payments~~ in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of ~~that~~ the

emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If ~~sufficient moneys exist in~~ a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment ~~of the award~~ to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall make the request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

(b) An award of legal fees, court costs, and expenses pursuant to division (E) of this section is subject to the following limitations:

(i) The maximum award or maximum aggregate of a series of awards of legal fees, court costs, and expenses to the private legal counsel in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding shall not exceed fifty thousand dollars.

(ii) The private legal counsel shall not be awarded legal fees, court costs, or expenses to the extent the fees, costs, or expenses are covered by a policy of malpractice or other insurance.

(iii) The private legal counsel shall be awarded legal fees and expenses only to the extent that the fees and expenses are reasonable in light of the legal services rendered by the private legal counsel in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding.

(c) If, pursuant to division (E)(2)(a) of this section, the attorney general denies a request for an award of legal fees, court costs, or expenses to private legal counsel because of the application of a limitation specified in division (E)(2)(b) of this section, the attorney general shall notify the private

legal counsel in writing of the denial and of the limitation applied.

(d) If, pursuant to division (E)(2)(c) of this section, a private legal counsel receives a denial of an award notification or if a private legal counsel refuses to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, the private legal counsel may commence a civil action against the attorney general in the court of claims to prove the private legal counsel's entitlement to the award sought, to prove that division (E)(2)(b) of this section does not prohibit or otherwise limit the award sought, and to recover a judgment for the amount of the award sought. A civil action under division (E)(2)(d) of this section shall be commenced no later than two years after receipt of a denial of award notification or, if the private legal counsel refused to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, no later than two years after the refusal. Any judgment of the court of claims in favor of the private legal counsel shall be paid from the state treasury in accordance with division (E)(2)(a) of this section.

(F) If a court appoints the office of the state public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the petitioner in the proceeding pursuant to the appointment, whether an assistant state public defender, the state public defender, or another attorney, shall be certified under Rule 65 of the Rules of Superintendence for Common Pleas Courts to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

Sec. 120.18. (A) The county public defender commission's report to the board of county commissioners shall be audited by the county auditor. The board of county commissioners, after review and approval of the audited report, may then certify it to the state public defender for reimbursement. If a request for the reimbursement of any operating expenditure incurred by a county public defender office is not received by the state public defender within sixty days after the end of the calendar month in which the expenditure is incurred, the state public defender shall not pay the requested reimbursement, unless the county has requested, and the state public defender has granted, an extension of the sixty-day time limit. Each request for reimbursement shall include a certification by the county public defender that the persons provided representation by the county public defender's

ice during the period covered by the report were indigent and, for each person provided representation during that period, a financial disclosure form completed by the person on a form prescribed by the state public defender. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county public defender's office for the period of time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems, for the lesser amount required by section 120.34 of the Revised Code. For the purposes of this section, "total cost" means total expenses minus costs and expenses reimbursable under section 120.35 of the Revised Code and any funds received by the county public defender commission pursuant to a contract, except a contract entered into with a municipal corporation pursuant to division (E) of section 120.14 of the Revised Code, gift, or grant.

(B) If the county public defender fails to maintain the standards for the conduct of the office established by rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the county public defender commission and the board of county commissioners of the county that the county public defender has failed to comply with its rules or the standards of the state public defender. Unless the county public defender commission or the county public defender corrects the conduct of ~~his~~ the county public defender's office to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny payment of all or part of the county's reimbursement from the state provided for in division (A) of this section.

Sec. 120.28. (A) The joint county public defender commission's report to the joint board of county commissioners shall be audited by the fiscal officer of the district. The joint board of county commissioners, after review and approval of the audited report, may then certify it to the state public defender for reimbursement. If a request for the reimbursement of any operating expenditure incurred by a joint county public defender office is

not received by the state public defender within sixty days after the end of the calendar month in which the expenditure is incurred, the state public defender shall not pay the requested reimbursement, unless the joint board of county commissioners has requested, and the state public defender has granted, an extension of the sixty-day time limit. Each request for reimbursement shall include a certification by the joint county public defender that all persons provided representation by the joint county public defender's office during the period covered by the request were indigent and, for each person provided representation during that period, a financial disclosure form completed by the person on a form prescribed by the state public defender. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each joint county public defender's office for the period of time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems, for the lesser amount required by section 120.34 of the Revised Code. For purposes of this section, "total cost" means total expenses minus costs and expenses reimbursable under section 120.35 of the Revised Code and any funds received by the joint county public defender commission pursuant to a contract, except a contract entered into with a municipal corporation pursuant to division (E) of section 120.24 of the Revised Code, gift, or grant. Each county in the district shall be entitled to a share of such state reimbursement in proportion to the percentage of the total cost it has agreed to pay.

(B) If the joint county public defender fails to maintain the standards for the conduct of the office established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the joint county public defender commission and the board of county commissioners of each county in the district that the joint county public defender has failed to comply with its rules or the standards of the state public defender. Unless the joint public defender commission or the joint county public defender corrects the conduct of ~~his~~

the joint county public defender's office to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the counties' reimbursement from the state provided for in division (A) of this section.

Sec. 120.33. (A) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, the board of county commissioners of any county may adopt a resolution to pay counsel who are either personally selected by the indigent person or appointed by the court. The resolution shall include those provisions the board of county commissioners considers necessary to provide effective representation of indigent persons in any proceeding for which counsel is provided under this section. The resolution shall include provisions for contracts with any municipal corporation under which the municipal corporation shall reimburse the county for counsel appointed to represent indigent persons charged with violations of the ordinances of the municipal corporation.

(1) In a county that adopts a resolution to pay counsel, an indigent person shall have the right to do either of the following:

(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;

(b) To request the court to appoint counsel to represent the person in such a proceeding.

(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:

(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;

(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners.

(4) Counsel selected by the indigent person or appointed by the court at

the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners in the schedule adopted pursuant to division (A)(3) of this section. No court shall approve compensation and expenses that exceed the amount fixed pursuant to division (A)(3) of this section.

The fees and expenses approved by the court shall not be taxed as part of the costs and shall be paid by the county. However, if the person represented has, or may reasonably be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount that the person reasonably can be expected to pay. Pursuant to section 120.04 of the Revised Code, the county shall pay to the state public defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to the county by the state public defender pursuant to this section. The money paid to the state public defender shall be credited to the client payment fund created pursuant to division (B)(5) of section 120.04 of the Revised Code.

The county auditor shall draw a warrant on the county treasurer for the payment of counsel in the amount fixed by the court, plus the expenses the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court. The board of county commissioners, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. If a request for reimbursement is not accompanied by a financial disclosure form and an affidavit of indigency completed by the indigent person on forms prescribed by the state public defender, the state public defender shall not pay the requested reimbursement. If a request for the reimbursement of the cost of counsel in any case is not received by the state public defender within ninety days after the end of the calendar month in which the case is finally disposed of by the court, unless the county has requested and the state public

defender has granted an extension of the ninety-day limit, the state public defender shall not pay the requested reimbursement. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county appointed counsel system in the period of time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, for the lesser amount required by section 120.34 of the Revised Code.

(5) If any county appointed counsel system fails to maintain the standards for the conduct of the system established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the board of county commissioners of the county that the county appointed counsel system has failed to comply with its rules or the standards of the state public defender. Unless the board of county commissioners corrects the conduct of its appointed counsel system to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in division (A)(4) of this section.

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a per case, hourly, or fixed contract basis.

(C) If a court appoints an attorney pursuant to this section to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, the attorney who represents the

petitioner in the proceeding pursuant to the appointment shall be certified under Rule 65 of the Rules of Superintendence for Common Pleas Courts to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

Sec. 121.05. Except as otherwise provided in this section, in each department, there shall be an assistant director designated by the director of that department. In the department of health, there shall be two assistant directors, each of whom shall be designated by the director of health. In the department of transportation, there shall be an assistant director for business management, an assistant director for field operations, and an assistant director for transportation policy, each of whom shall be designated by the director of transportation. In the department of insurance, the deputy superintendent of insurance shall be the assistant director. In the department of administrative services, there shall be two assistant directors, each of whom shall be designated by the director of administrative services. In the department of commerce, there shall be two assistant directors, each of whom shall be designated by the director of commerce. In the department of human services, there may be up to two assistant directors, each of whom shall be designated by the director of human services. In each department, the assistant director shall act as director in the absence or disability of the director and also shall act as director when the position of director is vacant, except that in the department of transportation, the department of health, the department of commerce, ~~and~~ the department of administrative services, and the department of human services, the director shall designate which assistant director shall act as director in the director's absence.

A director may designate any of the director's assistant directors or a deputy director to serve in the director's place as a member of any board, committee, authority, or commission of which the director is, by law, a member. The designee, when present, shall be counted in determining whether a quorum is present at any meeting. The designee may vote and participate in all proceedings and actions of the board, committee, authority, or commission, provided that the designee shall not execute or cause a facsimile of the designee's signature to be placed on any obligation, or execute any trust agreement or indenture. ~~Such~~ The designation shall be in writing, executed by the designating director, filed with the secretary of the board, committee, authority, or commission, and shall be in effect until withdrawn or superseded by a new designation.

Sec. 121.11. (A) Each officer whose office is created by sections 121.02, 121.04, and 121.05 of the Revised Code ~~shall~~, before entering upon the duties of ~~his~~ office, shall take and subscribe an oath of office as provided

by law and give bond, conditioned according to law, with security to be approved by the governor in ~~such~~ the penal sum, not less than ten thousand dollars, ~~as is~~ fixed by the governor. ~~Such~~ The department of administrative services may procure from any duly authorized corporate surety a blanket bond covering the officers described in those sections and any other officers the governor designates. The bond and oath of the officers described in those sections shall be filed in the office of the secretary of state.

(B) The director of each department ~~may~~, with the approval of the governor, may require any chief of a division, or any officer or employee in ~~his~~ the director's department, to give bond in ~~such~~ the amount ~~as~~ the governor prescribes. ~~Such~~ The bond or bonds may, in the discretion of the director, be individual, schedule, or blanket bonds. ~~The~~

(C) The premium on any bond required or authorized by this section may be paid from the state treasury.

Sec. 121.24. (A) As used in this section:

(1) "Agency" means any agency as defined in division (A)(2) of section 111.15 or division (A) of section 119.01 of the Revised Code.

(2) "Employee" means a person who is employed by a small business or small organization for at least one thousand eight hundred hours per year.

(3) A rule is "filed in final form" when it is filed with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review under division (B)(1) of section 111.15, division (A)(1) of section 119.04, division (B)(1) of section 4141.14, or division (A) of section 5703.14 of the Revised Code.

(4) "History trail" means the supplementary information required to be provided on each copy of a proposed rule, which information is not part of the text of the rule, and sets forth the statute prescribing the procedure in accordance with which the proposed rule is required to be adopted, the statute that authorizes the agency to adopt the proposed rule, the statute that the agency intends to amplify or implement by adopting the proposed rule, the effective dates of any previous versions of the rule that is the subject of the proposal, and other similar information as prescribed in rules of the legislative service commission.

(5) "Individual" means any individual who is affected by a rule in the individual's capacity as an officer or employee of a small business or small organization.

(6) "Rule summary and fiscal analysis" means a rule summary and fiscal analysis of a proposed rule that provides the information required by division (B) of section 127.18 of the Revised Code, and that has been prepared in the form prescribed by the joint committee on agency rule

review under division (E) of that section.

(7) "Rate" means any rate, classification, fare, toll, rental, or charge of a public utility.

(8) "Rule" means any rule, regulation, or standard having a general and uniform operation, including any appendix thereto, that is adopted, promulgated, and enforced by an agency under the authority of the laws governing the agency. "Rule" includes the adoption of a new rule or the amendment or rescission of an existing rule. "Rule" does not include any of the following:

(a) A rule proposed under section 1121.05, 1121.06, 1155.18, or 1163.22 of the Revised Code;

(b) A rule governing the internal management of an agency that does not affect private rights;

(c) A rule authorized by law to be issued as a temporary written order;

(d) Except as otherwise provided in division (A)(8)(d) of this section, a rule or order, whether of a quasi-legislative or quasi-judicial nature, proposed by the public utilities commission. Any rule or order, whether of a quasi-legislative or quasi-judicial nature, proposed by the public utilities commission that determines a rate of a public utility to be just and reasonable is a "rule" for purposes of this section, unless the rule or order contains findings that the public utility, in applying for approval of the rate under section 4909.18 of the Revised Code, stated facts and grounds sufficient for the commission to determine that the proposed rate was just and reasonable.

(e) A proposed rule, the adoption of which is mandated by a federal law or rule, and which must be adopted substantially as prescribed by federal law or rule, to become effective within one hundred twenty days of adoption, so long as the history trail of the proposed rule contains a statement that it is proposed for the purpose of complying with a federal law or rule and a citation to the federal law or rule that mandates substantial compliance;

(9) "Small business" means an independently owned and operated business having fewer than four hundred employees.

(10) "Small organization" means an unincorporated association, sheltered workshop, or nonprofit enterprise having fewer than four hundred employees. This definition is not limited to the types of small organizations expressly mentioned, and includes all other types of small organizations, so long as such organizations have fewer than four hundred employees.

(B) If an agency intends to adopt a rule, and reasonably believes that the proposed rule, if adopted, will be likely to affect individuals, small

businesses, or small organizations, the agency shall comply with the following procedure in adopting the rule, in addition to any other procedure required by section 111.15, ~~117.16,~~ 119.03, 119.032, 119.04, 127.18, 4141.14, or 5117.02 of the Revised Code or any other statute of this state:

(1) The agency shall prepare a complete and accurate rule summary and fiscal analysis of the original version of the proposed rule.

(2) After complying with division (B)(1) of this section, and at least sixty days before the agency files the proposed rule in final form, the agency shall file with the office of small business, one copy of the full text of the original version of the proposed rule and one copy of the rule summary and fiscal analysis of such proposed rule.

(3) During a period commencing on the date the original version of the proposed rule is filed pursuant to division (B)(2) of this section and ending forty days thereafter:

(a) The chairperson of the standing committee of the senate or house of representatives having jurisdiction over individuals, small businesses, or small organizations, or any other person having an interest in the proposed rule, may submit written comments to the agency, to the joint committee on agency rule review, or to both, concerning the expected effect of the proposed rule, if adopted, upon individuals, small businesses, and small organizations. The agency and joint committee shall accept all such timely submitted written comments.

(b) The chairperson of the standing committee of the senate or house of representatives having jurisdiction over individuals, small businesses, or small organizations may request the agency to appear before the committee and testify, answer questions asked by members of the committee, and produce information in the possession of the agency as requested by the committee, concerning the expected effect of the proposed rule, if adopted, upon individuals, small businesses, or small organizations. Upon receipt of a request from the chairperson of the appropriate standing committee of the senate or house of representatives under division (B)(3)(b) of this section, the agency shall designate an officer or employee of the agency to appear before the committee, and shall otherwise comply with the request, in the manner directed by the request.

(4) The agency shall not proceed to file the proposed rule in final form until it has considered any written comments timely submitted to it under division (B)(3)(a) of this section, has identified the issues raised by the comments, has assessed the proposed rule in light of the issues raised by the comments, and has made such revisions in the proposed rule as it considers advisable in light of its assessment.

An agency is not required to put any revised version of a proposed rule through the procedure of divisions (B)(1) to (4) of this section.

(C) Any original version of a proposed rule, rule summary and fiscal analysis, or written comment filed or submitted under division (B) of this section shall be preserved by the agency with which it is filed or to which it is submitted, and is a public record open to public inspection.

(D) Each agency shall prepare a plan that provides for the periodic review, at least once every five years, of each rule of the agency that is not otherwise subject to review under section 119.032 of the Revised Code and that affects individuals, small businesses, or small organizations. The purpose of each periodic review shall be to determine whether the rule that is being reviewed should be continued without change or amended or rescinded, consistent with the purpose, scope, and intent of the applicable statute authorizing adoption of the rule, so as to minimize the economic impact of the rule upon individuals, small businesses, or small organizations. Accordingly, in making each periodic review of a rule, the agency shall consider the continued need for the rule, the nature of any written complaints or comments that the agency has received with regard to the rule, the extent to which the rule duplicates, overlaps, or conflicts with other currently effective rules, and the degree to which technology, economic conditions, and other relevant factors have changed in the area affected by the rule.

Each agency shall annually report to the governor and general assembly, with regard to each of its rules that have been reviewed under this division during the preceding calendar year, the title and administrative code rule number of the rule, a brief summary of the content and operation of the rule, and a brief summary of the results of the review. If the agency is otherwise required to make an annual report to the governor and general assembly, the agency shall report this information in an appropriately designated section of its annual report. If, however, the agency is not otherwise required to make an annual report to the governor and general assembly, the agency, on or before the first day of February, shall report this information in a separate report to the governor and general assembly. In addition to the submissions required by section 101.68 of the Revised Code, and in addition to any requirement of that section to submit notice of the availability of a report instead of copies of the report, the agency shall submit copies of its annual or separate report, which provides the information required by this division, to the chairpersons of the standing committees of the senate and house of representatives having jurisdiction over individuals, small businesses, and small organizations.

Each agency having rules in effect on ~~the effective date of this section~~ January 1, 1985, that affect individuals, small businesses, or small organizations shall divide those rules into groups, so that at least one-fifth of those rules are reviewed during each year of a five-year period commencing on ~~the effective date of this section~~ January 1, 1985 A rule that is newly adopted after ~~the effective date of this section~~ January 1, 1985, shall be reviewed five years after its effective date. When a rule has once been reviewed, it shall thereafter be reviewed again at five-year intervals.

(E) Each agency shall designate an individual or office within the agency to be responsible for complying with this division. Each individual or office that has been so designated shall, within ten days after receiving a request therefor from any person:

(1) Provide the person with copies of any rule proposed by the agency that would affect individuals, small businesses, or small organizations;

(2) Provide the person with copies of the rule summary and fiscal analysis of any rule proposed by the agency that would affect individuals, small businesses, or small organizations; or

(3) Find, collate, and make available to the person any information in the possession of the agency regarding a rule proposed by the agency, which information would be of interest to individuals, small businesses, or small organizations.

The agency shall inform the office of small business in writing of the name, address, and telephone number of each individual or office designated under this division. The agency shall promptly inform the office of small business in writing of any change in the information thus provided.

(F) Division (B) of this section does not apply to any emergency rule adopted under division (B)(2) of section 111.15 or division (F) of section 119.03 of the Revised Code, except that the emergency rule becomes subject to such division when it is adopted pursuant to the procedure of section 111.15 or 119.03 of the Revised Code for the adoption of rules not of an emergency nature.

(G) The department of taxation shall provide a copy of the full text of any rule proposed by the department that may affect any business to the office of small business, and the department shall designate an office within the agency responsible for providing a copy of any such rule within ten days of receiving a request from any person.

Sec. 121.371. There is hereby created the wellness block grant program. The Ohio family and children first cabinet council shall oversee the program, and the children's trust fund board, created by section 3109.15 of the Revised Code, shall serve as the program's administrative agent. The

board and the cabinet council shall establish guidelines for operating the wellness block grant program. A representative of the family and children first cabinet council and the chairperson of the children's trust fund board shall resolve any disagreements concerning the duties of the council and the board under this section.

The children's trust fund board may accept gifts, donations, grants, or other moneys for the wellness block grant program from any source. The board shall use the funds received to make block grants to county family and children first councils. The amount to be granted to each county council shall be determined by the board and the cabinet council. To cover administrative expenses, the board may use in each state fiscal year an amount not to exceed one per cent of the total amount available for the program in that year.

County councils shall use the funds they receive through wellness block grants to fund community-based programs of prevention services that address issues of broad social concern, as determined by the cabinet council and the board, and to fund state-directed training, evaluation, and education programs pertaining to the issues being addressed. Each county council shall submit to the board a program and fiscal plan that outlines its proposal for expenditure of its block grant and shall, after consulting with the board of county commissioners, designate a fiscal agent to receive the block grant.

As requested by the board on behalf of the cabinet council, each county council shall submit program and fiscal accountings regarding the use of its block grant. The board and the cabinet council shall establish criteria for assessing a county council's progress in achieving the goals of the wellness block grant program. If a county council does not operate in accordance with the program guidelines and criteria established by the board and the cabinet council, the board and the cabinet council may revise the allocation of funds that the county council receives.

The board shall prepare an annual report detailing the results of the program. The report shall be submitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

Sec. 121.481. The special investigations fund is hereby created in the state treasury for the purpose of paying costs of investigations conducted by the inspector general. In response to requests from the inspector general, the controlling board may make transfers to the fund from the emergency purposes appropriation of the board, subject to the following conditions:

(A) The inspector general shall not request a transfer that would cause the unobligated, unencumbered balance in the fund to exceed one hundred

thousand dollars at any one time;

(B) In requesting a transfer, the inspector general shall not disclose any information that would risk impairing the investigation if it became public, provided that after any investigation using money transferred to the fund from an emergency purposes appropriation has been completed, the inspector general shall report to the board the object and cost of the investigation, but not any information designated as confidential under section 121.44 of the Revised Code.

Sec. 122.011. (A) The department of development shall develop and promote plans and programs designed to assure that state resources are efficiently used, economic growth is properly balanced, community growth is developed in an orderly manner, and local governments are coordinated with each other and the state, and for such purposes may do all of the following:

(1) Serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to persons or local governments, as provided in section 122.07 of the Revised Code;

(2) Prepare and activate plans for the retention, development, expansion, and use of the resources and commerce of the state, as provided in section 122.04 of the Revised Code;

(3) Assist and cooperate with federal, state, and local governments and agencies of federal, state, and local governments in the coordination of programs to carry out the functions and duties of the department;

(4) Encourage and foster research and development activities, conduct studies related to the solution of community problems, and develop recommendations for administrative or legislative actions, as provided in section 122.03 of the Revised Code;

(5) Serve as the economic and community development planning agency, which shall prepare and recommend plans and programs for the orderly growth and development of this state and which shall provide planning assistance, as provided in section 122.06 of the Revised Code;

(6) Cooperate with and provide technical assistance to state departments, political subdivisions, regional and local planning commissions, tourist associations, councils of government, community development groups, community action agencies, and other appropriate organizations for carrying out the functions and duties of the department or for the solution of community problems.;

(7) Coordinate the activities of state agencies that have an impact on carrying out the functions and duties of the department;

(8) Encourage and assist the efforts of and cooperate with local

governments to develop mutual and cooperative solutions to their common problems that relate to carrying out the purposes of this section;

(9) Study existing structure, operations, and financing of regional or local government and those state activities that involve significant relations with regional or local governmental units, recommend to the governor and to the general assembly such changes in these provisions and activities as will improve the operations of regional or local government, and conduct other studies of legal provisions that affect problems related to carrying out the purposes of this section;

(10) Appoint, with the approval of the governor, technical and other advisory councils as it considers appropriate, as provided in section 122.09 of the Revised Code;

(11) Create and operate a division of community development to develop and administer programs and activities that are authorized by federal statute or the Revised Code;

(12) Until ~~June 30, 1999~~ July 1, 2001, review, analyze, and summarize applications and information regarding the family farm loan program forwarded to the department by a financial institution pursuant to section 901.81 of the Revised Code, and forward the applications, information, analyses, and summaries to the director of agriculture;

(13) Until ~~June 30, 1999~~ July 1, 2001, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80 to 901.83 of the Revised Code;

(14) Provide loan servicing for the loans purchased and loan guarantees provided under section 901.80 of the Revised Code as ~~such~~ that section existed prior to ~~June 30, 1999~~ July 1, 2001;

(15) Until ~~June 30, 1999~~ July 1, 2001, and upon approval by the controlling board under division (A)(3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of ~~such~~ that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.

(B) The department, by rule, shall establish criteria defining nonprofit corporations that are eligible for appointment as qualified agents pursuant to sections 135.81 to 135.88 of the Revised Code. The criteria shall require that a corporation be organized pursuant to Chapter 1702. of the Revised Code and have as its primary purpose the promotion of economic development or the creation or retention of jobs and job opportunities. The criteria may include a specification as to the professional qualifications of the

corporation employees, a minimum elapsed period of time since the corporation was organized, current and former activities of the corporation, and such other criteria reasonably related to the foregoing that relate to the ability of the corporation to act as a qualified agent for the purposes of sections 135.51 to 135.88 of the Revised Code.

(C) The director of development may request the attorney general to, and the attorney general, in accordance with section 109.02 of the Revised Code, shall bring a civil action in any court of competent jurisdiction. The director may be sued in the director's official capacity, in connection with this chapter, in accordance with Chapter 2743. of the Revised Code.

Sec. 122.05. (A) The director of development may, to carry out the purposes of division (E) of section 122.04 of the Revised Code:

(1) Establish offices in foreign countries as the director considers appropriate and enter into leases of real property, buildings, and office space that are appropriate for these offices;

(2) Appoint personnel, who shall be in the unclassified civil services, necessary to operate such offices and fix their compensation. The director may enter into contracts with foreign nationals to staff the foreign offices established under this section.

(3) The director may establish United States dollar and foreign currency accounts ~~with banks in countries in which foreign offices have been established under this section,~~ for the payment of expenses related to the operation and maintenance of ~~those~~ the offices established under this section. ~~The director may also establish accounts with domestic banks to deposit funds that have been converted to the appropriate currency of the offices established under this section.~~ The director shall establish procedures acceptable to the director of budget and management for the conversion, transfer, and control of United States dollars and foreign currency ~~in domestic and foreign banks and for the accounting of funds at the end of each biennium~~.

(4) Do all things necessary and appropriate for the operation of the state's foreign offices.

(B) All contracts entered into under division (A)(2) of this section and any payments of expenses related to the operation and maintenance of foreign offices established under this section may be paid in the appropriate foreign currency and are exempt from sections 127.16 and 5147.07 and Chapters 124., 125., and 153. of the Revised Code.

Sec. 122.15. As used in sections 122.15 to 122.154 of the Revised Code:

(A) "Edison center" means a cooperative research and development facility that receives funding through the Thomas Alva Edison grant

program under division (C) of section 122.33 of the Revised Code.

(B) "Ohio entity" means any corporation, limited liability company, or unincorporated business organization, including a general or limited partnership, that has its principal place of business located in this state and has at least fifty per cent of its gross assets and fifty per cent of its employees located in this state. If a corporation, limited liability company, or unincorporated business organization is a member of an affiliated group, the gross assets and the number of employees of all of the members of that affiliated group, wherever those assets and employees are located, shall be included for the purpose of determining the percentage of the corporation's, company's, or organization's gross assets and employees that are located in this state.

(C) "Qualified trade or business" means any trade or business that primarily involves research and development, technology transfer, bio-technology, or the application of new technology developed through research and development or acquired through technology transfer. "Qualified trade or business" does not include any of the following:

(1) Any trade or business involving the performance of services in the field of law, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, financial services, or brokerage services, or any trade or business where the principal asset of the trade or business is the reputation or skill of one or more of its employees;

(2) Any banking, insurance, financing, leasing, rental, investing, or similar business;

(3) Any farming business, including the business of raising or harvesting trees;

(4) Any business involving the production or extraction of products of a character with respect to which a deduction is allowable under section 611, 613, or 613A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 611, 613, or 613A;

(5) Any business of operating a hotel, motel, restaurant, or similar business;

(6) Any trade or business involving a hospital, a private office of a licensed health care professional, a group practice of licensed health care professionals, or a nursing home. As used in division (C)(6) of this section:

(a) "Nursing home" has the same meaning as in section 3721.50 of the Revised Code.

(b) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(D) "Insider" means an individual who owns, controls, or holds power

to vote five per cent or more of the outstanding securities of a business. For purposes of determining whether an investor is an insider, the percentage of voting power in the Ohio entity held by a person related to the investor shall be added to the investor's percentage of voting power in the same Ohio entity, if the investor claimed the person related to the investor as a dependent or a spouse on the investor's federal income tax return for the previous tax year.

(E) "Related to" means being the spouse, parent, child, or sibling of an individual.

(F) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or processes, and conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge that may reveal the bases for new or enhanced products, equipment, or processes.

(G) "State tax liability" means any tax liability incurred under division (D) of section 5707.03, section 5727.24, 5727.38, or 5747.02, or Chapter 5733. of the Revised Code.

(H) "Technology transfer" means the transfer of technology from one sector of the economy to another, including the transfer of military technology to civilian applications, civilian technology to military applications, or technology from public or private research laboratories to military or civilian applications.

(I) "Affiliated group" means two or more persons related in such a way that one of the persons owns or controls the business operations of another of those persons. In the case of a corporation issuing capital stock, one corporation owns or controls the business operations of another corporation if it owns more than fifty per cent of the other corporation's capital stock with voting rights. In the case of a limited liability company, one person owns or controls the business operations of the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is greater than fifty per cent of combined membership interest of all persons owning such interests in the company. In the case of an unincorporated business organization, one person owns or controls the business operations of the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or other distributions greater than fifty per cent of the combined beneficial interests of all persons having such an interest in the organization.

(J) "Money" means United States currency, or a check, draft, or cashier's check for United States currency, payable on demand and drawn on

a bank.

Sec. 122.152. (A) After receiving notice of approval for an investment of money from the industrial technology and enterprise advisory council committee under section 122.151 of the Revised Code, an investor, within a period of time determined by the committee, may make the investment and apply to the council for a tax credit certificate. If the council is satisfied the investor has made the investment in the proper form, it shall issue to the investor a tax credit certificate indicating that the investor is allowed a tax credit in an amount equal to twenty-five per cent of the investment.

An investor who receives approval of a proposed investment of money through a group application, after making the investment, shall apply for a tax credit certificate on an individual basis.

(B) An investor who is issued a tax credit certificate under this section may claim a nonrefundable credit equal to the amount indicated on the certificate against any state tax liability. The investor shall claim the credit for the taxable year in which the certificate is issued.

(1) If the credit to which a taxpayer otherwise would be entitled under this section for any taxable year is greater than the tax otherwise due under division (D) of section 5707.03 or section 5727.24 or 5727.38 of the Revised Code, the excess shall be allowed as a credit in each of the ensuing fifteen taxable years, but the amount of any excess credit allowed in an ensuing taxable year shall be deducted from the balance carried forward to the next taxable year.

(2) If the credit to which a taxpayer otherwise would be entitled under this section for any taxable year is greater than the tax otherwise due under section 5747.02 or Chapter 5733. of the Revised Code, after allowing for any other credits that precede the credit allowed under this section in the order required under section 5733.98 or 5747.98 of the Revised Code, the excess shall be allowed as a credit in each of the ensuing fifteen taxable years, but the amount of any excess credit allowed in an ensuing taxable year shall be deducted from the balance carried forward to the next taxable year.

(C) Any portion of a credit allowed under this section that is utilized by an investor to reduce the investor's state tax liability shall not be utilized by any other person.

(D) To claim a tax credit allowed under this section, an investor shall attach to the appropriate return a copy of the certificate issued to the investor under this section.

(E) Nothing in this section shall limit or disallow pass-through treatment of a pass-through entity's income, deductions, or credits, or other amounts

necessary to compute a state tax liability.

(F) A tax credit certificate issued to an investor under this section may not be transferred by that investor to any other person.

(G)(1) The industrial technology and enterprise advisory council shall develop the form of the tax credit certificate and shall use that form when issuing a tax credit certificate under this section.

(2) The industrial technology and enterprise advisory council shall report to the tax commissioner any information requested by the commissioner concerning tax credit certificates issued under this section.

(H) An investment made by an investor or group of investors who enter into a contractual agreement with an Ohio entity to invest money in the Ohio entity is an acceptable investment if all of the following conditions are met:

(1) The investment is made pursuant to a subscription agreement providing that the investor or group of investors is entitled to receive a refund of funds if the investment is not approved by the industrial technology and enterprise advisory council.

(2) The investment is placed in escrow until the investment is approved by the industrial technology and enterprise advisory council.

(3) The investor or group of investors shows proof of the withdrawal of the funds by the Ohio entity after the investment is approved by the industrial technology and enterprise advisory council.

Sec. 122.19. As used in sections 122.19 to 122.22 of the Revised Code:

(a) "distressed area" means either a municipal corporation that has a population of at least fifty thousand or a county, that meets at least two of the following criteria of economic distress:

(1) its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the united states for the same period.

(2) it has a per capita income equal to or below eighty per cent of the median county per capita income of the united states as determined by the most recently available figures from the united states census bureau.

(3)(a) in the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.

(b) in the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

(b) "eligible applicant" means any of the following that are designated by the legislative authority of a county, township, or municipal corporation

as provided in division (b)(1) of section 122.22 of the Revised Code:

(1) a port authority as defined in division (a) of section 4582.01 or division (a) of section 4582.21 of the Revised Code;

(2) a community improvement corporation as described in section 1724.01 of the Revised Code;

(3) a community-based organization or action group that provides social services and has experience in economic development;

(4) any other nonprofit economic development entity;

(5) a county, township, or municipal corporation if it designates itself.

(c) "eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area, as designated annually by the director of development under division (a) of section 122.21 of the Revised Code.

(d) "governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.

(e) "infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.

(f) "inner city area" means, in a municipal corporation that has a population of at least one hundred thousand and does not meet the criteria of a labor surplus area or a distressed area, targeted investment areas established by the municipal corporation within its boundaries that are comprised of the most recent census block tracts that individually have at least twenty per cent of their population at or below the state poverty level, or other census block tracts contiguous to such census block tracts.

(g) "labor surplus area" means an area designated as a labor surplus area by the united states department of labor.

(h) "official poverty line" has the same meaning as in division (a) of section 3923.51 of the Revised Code.

(i) "redevelopment plan" means a plan that includes all of the following: a plat; a land use description; identification of all utilities and infrastructure needed to develop the property, including street connections; highway, rail, air, or water access; utility connections; water and sewer treatment facilities; storm drainage; and parking, and any other elements required by a rule adopted by the director of development under division (b) of section 122.21 of the Revised Code.

(j) "situational distress area" means a county or a municipal corporation

that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. in order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. the petition shall include documentation that demonstrates all of the following:

(1) the number of jobs lost by the closing or downsizing;

(2) the impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the ohio bureau of employment services;

(3) the annual payroll associated with the job loss;

(4) the amount of state and local taxes associated with the job loss;

(5) the impact that the closing or downsizing has on the suppliers located in the county or municipal corporation.

Sec. 122.20. (a) the urban and rural initiative grant program is hereby created to promote economic development and improve the economic welfare of the people of the state, which shall be accomplished by the department of development awarding grants to eligible applicants for use in an eligible area for any of the following purposes:

(1) land acquisition;

(2) infrastructure improvements;

(3) voluntary actions undertaken on property eligible for the voluntary action program created under chapter 3746. of the Revised Code;

(4) renovation of existing structures.

(B) THE TOTAL AMOUNT OF GRANTS AWARDED UNDER THE PROGRAM SHALL NOT EXCEED TWO MILLION DOLLARS. No grant shall be awarded without the prior approval of the controlling board.

(c) as a condition of receiving a grant under this section, and except as provided in division (d) of this section, an applicant shall agree not to permit the use of a site that is developed or improved with such grant moneys to cause the relocation of jobs to that site from elsewhere in this state.

(d) a site developed or improved with grant moneys awarded under this section may be the site of jobs relocated from elsewhere in this state if the director of development does all of the following:

(1) makes a written determination that the site from which the jobs would be relocated is inadequate to meet market or industry conditions, expansion plans, consolidation plans, or other business considerations affecting the relocating employer;

(2) provides a copy of the determination required by division (d)(1) of this section to the members of the general assembly whose legislative

districts include the site from which the jobs would be relocated, and to the joint legislative committee on tax incentives;

(3) determines that the governing body of the area from which the jobs would be relocated has been notified in writing by the relocating company of the possible relocation.

(e) no eligible applicant that receives from the program any grant of money for land acquisition, infrastructure improvements, or renovation of existing structures in order to develop an industrial park site for a distressed area, labor surplus area, or situational distress area as defined in section 122.19 of the Revised Code that also is a distressed area, labor surplus area, or situational distress area as defined in section 122.23 of the Revised Code shall use the money to compete against any existing Ohio industrial parks.

(f) an eligible applicant that receives a grant from the program shall not be precluded from being considered for or participating in other financial assistance programs offered by the department of development, the ohio environmental protection agency, or the ohio water development authority.

Sec. 122.21. In administering the urban and rural initiative grant program created under section 122.20 of the Revised Code, the director of development shall do all of the following:

(a) annually designate, by the first day of january of each year, the entities that constitute the eligible areas in this state;

(b) adopt rules in accordance with chapter 119. of the Revised Code establishing procedures and forms by which eligible applicants in eligible areas may apply for a grant, which procedures shall include a requirement that the applicant file a redevelopment plan; standards and procedures for reviewing applications and awarding grants; procedures for distributing grants to recipients; procedures for monitoring the use of grants by recipients; requirements, procedures, and forms by which recipients who have received grants shall report their use of that assistance; and standards and procedures for terminating and requiring repayment of grants in the event of their improper use. the rules adopted under this division shall comply with sections 122.19 to 122.22 of the Revised Code and shall include a rule requiring that an eligible applicant who receives a grant from the program provide a matching contribution of at least twenty-five per cent of the amount of the grant awarded to the eligible applicant.

hapter 3746. of the Revised Code receive disbursement of grant moneys only after receiving a covenant not to sue from the director of environmental protection under section 3746.12 of the Revised Code and shall require that those moneys be disbursed only as reimbursement of actual expenses incurred in the undertaking of the voluntary action. the rules shall require that whenever any money is granted for land acquisition, infrastructure improvements, or renovation of existing structures in order to develop an industrial park site for a distressed area, labor surplus area, or situational distress area as defined in section 122.19 of the Revised Code that also is a distressed area, labor surplus area, or situational distress area as defined in section 122.23 of the Revised Code, a substantial portion of the site be used for manufacturing, distribution, high technology, research and development, or other businesses in which a majority of the product or service produced is exported out of the state. any retail use at the site shall not constitute a primary use but only a use incidental to other eligible uses. the rules shall require that whenever any money is granted for land acquisition, infrastructure improvements, and renovation of existing structures in order to develop an industrial park site for a distressed area, labor surplus area, or situational distress area as defined in section 122.19 of the Revised Code that also is a distressed area, labor surplus area, or situational distress area as defined in section 122.23 of the Revised Code, the applicant for the grant shall verify to the department of development the existence of a local economic development planning committee in a municipal corporation, county, or township whose territory includes the eligible area. the committee shall consist of members of the public and private sectors who live in that municipal corporation, county, or township. the local economic development planning committee shall prepare and submit to the department a five-year economic development plan for that municipal corporation, county, or township that identifies, for the five-year period covered by the plan, the economic development strategies of a municipal corporation, county, or township whose territory includes the proposed industrial park site. the economic development plan shall describe in detail how the proposed industrial park would complement other current or planned economic development programs for that municipal corporation, county, or township, including, but not limited to, workforce development initiatives, business retention and expansion efforts, small business development programs, and technology modernization programs.

(c) report to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of representatives by the thirtieth day of june of each year on the activities

carried out under the program during the preceding calendar year. the report shall include the total number of grants made that year, and, for each individual grant awarded, the following: the amount and recipient, the eligible applicant, the purpose for awarding the grant, the number of firms or businesses operating at the awarded site, the number of employees employed by each firm or business, any excess capacity at an industrial park site, and any additional information the director declares to be relevant.

(d) inform local governments and others in the state of the availability of grants under section 122.20 of the Revised Code;

(e) annually compile, pursuant to rules adopted by the director of development in accordance with chapter 119. of the Revised Code, using pertinent information submitted by any municipal corporation, county, or township, a list of industrial parks located in the state. the list shall include the following information, expressed if possible in terms specified in the director's rules adopted under this division: location of each industrial park site, total acreage of each park site, total occupancy of each park site, total capacity for new business at each park site, total capacity of each park site for sewer, water, and electricity, a contact person for each park site, and any additional information the director declares to be relevant. once the list is compiled, the director shall make it available to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of representatives.

Sec. 122.22. (a) in order to be eligible for a grant under section 122.20 of the Revised Code, the applicant shall demonstrate both of the following to the director of development:

(1) that the applicant is proposing to carry out the purposes described in section 122.20 of the Revised Code in an entity that has been designated as an eligible area by the director of development under division (a) of section 122.21 of the Revised Code;

(2) the applicant's capacity to undertake and oversee the project, as evidenced by documentation of the applicant's past performance in economic development projects.

(b) in order for an applicant to be eligible for a grant under section 122.20 of the Revised Code, the governing body of the entity that has been designated as an eligible area by the director of development in accordance with division (a) of section 122.21 of the Revised Code shall, by resolution or ordinance, do all of the following:

(1) designate the applicant that will carry out the purposes described in section 122.20 of the Revised Code and that qualifies as one of the five categories of eligible applicant listed in division (b) of section 122.19 of the

Revised Code;

(2) specify the eligible area's financial participation in the project;

(3) include a marketing strategy to be utilized in administering the project that includes details used in past successful projects;

(4) identify a management plan for the project.

(c) a governing body may designate the political subdivision it governs to be an eligible applicant.

(d) in order to be eligible for a grant under section 122.20 of the Revised Code for land acquisition, infrastructure improvements, or renovation of existing structures in order to develop an industrial park site for a distressed area, labor surplus area, or situational distress area as defined in section 122.19 of the Revised Code that also is a distressed area, labor surplus area, or situational distress area as defined in section 122.23 of the Revised Code, an applicant must be approved as a grant applicant by resolution of the legislative authority of each county containing any area that has been designated as an eligible area by the director of development under division (a) of section 122.21 of the Revised Code and whose governing body has designated the applicant to seek a grant for any of these purposes on behalf of the eligible area. the director shall adopt rules in accordance with chapter 119. of the Revised Code establishing criteria for the legislative authority to use in determining whether to approve a qualified applicant.

Sec. 122.71. As used in sections 122.71 to 122.83 of the Revised Code:

(A) "Financial institution" means any banking corporation, trust company, insurance company, savings and loan association, building and loan association, or corporation, partnership, federal lending agency, foundation, or other institution engaged in lending or investing funds for industrial or business purposes.

(B) "Project" means any real or personal property connected with or being a part of an industrial, distribution, commercial, or research facility to be acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, with the aid provided under sections 122.71 to 122.83 of the Revised Code, for industrial, commercial, distribution, and research development of the state.

(C) "Mortgage" means the lien imposed on a project by a mortgage on real property, or by financing statements on personal property, or a combination of a mortgage and financing statements when a project consists of both real and personal property.

(D) "Mortgagor" means the principal user of a project or the person, corporation, partnership, or association unconditionally guaranteeing performance by the principal user of its obligations under the mortgage.

(E)(1) "Minority business enterprise" means an individual, partnership, corporation, or joint venture of any kind that is owned and controlled by United States citizens~~,~~ who are residents of ~~Ohio~~ this state or nonresidents of this state who have a significant presence in this state, and who are members of one of the following economically disadvantaged groups: Blacks, American Indians, Hispanics, and Orientals.

(2) "Owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in division (E)(1) of this section, and that ~~such~~ those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership. In order to qualify as a minority business enterprise, a business shall have been owned and controlled by ~~such~~ those persons at least one year prior to being awarded a contract pursuant to this section.

(F) "Community improvement corporation" means a corporation organized under Chapter 1724. of the Revised Code.

(G) "Ohio development corporation" means a corporation organized under Chapter 1726. of the Revised Code.

Sec. 122.75. The director of development shall, for the minority business development loan program and the minority business bonding program under sections 122.87 to 122.89 of the Revised Code, do all of the following:

(A) Hire employees, consultants, and agents and fix their compensation;

(B) Adopt bylaws and rules for the regulation of the business of the minority development financing advisory board;

(C) Receive and accept grants, gifts, and contributions of money, property, labor, and other things of value, to be held, used, and applied only for the purpose for which the grants, gifts, and contributions are made, from individuals, private and public corporations, the United States or any agency of the United States, the state or any agency of the state, and any political subdivision of the state. The director may agree to repay any contribution of money or to return any property contributed or its value at such times, in such amounts, and on such terms and conditions, excluding the payment of interest, as the director determines at the time the contribution is made. The director may evidence the obligations by written contracts, subject to section 122.76 of the Revised Code; provided, that the director shall not thereby incur indebtedness of or impose liability upon the state or any political subdivision.

(D) Establish funds with the treasurer of state in addition to the minority

business bonding fund created under section 122.88 of the Revised Code;

(E) Invest money in the funds the director establishes pursuant to division (D) of this section that is in excess of current needs, in notes, bonds, or other obligations that are direct obligations of or are guaranteed by the United States, or in certificates of deposit or withdrawable accounts of banks, trust companies, and savings and loan associations organized under the laws of this state or the United States, and may credit the income or sell the investments at the director's discretion;

(F) Acquire any property of any kind or character in accordance with sections 122.71 to 122.83 of the Revised Code, by purchase, purchase at foreclosure, or exchange on terms and in a manner the director considers proper;

(G)(1) Maintain, protect, repair, improve, and insure any property the director has acquired and dispose of it by sale, exchange, or lease for the consideration and on terms and in a manner the director considers proper. The director may not operate any property as a business except as a lessor of the property. When the cost of any contract for the maintenance, protection, repair, or improvement of any property of the advisory board connected with the minority business development loan program, other than compensation for personal services, involves an expenditure of more than one thousand dollars, the director shall enter into a written contract with the lowest and best bidder after advertisement for not less than four consecutive weeks in a newspaper of general circulation in the county where the contract, or some substantial part of it, is to be performed, and in other publications as the director determines. The notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications for the work and materials may be examined, and the time and place of receiving bids.

(2) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall contain the full name of every person interested in it and meet the requirements of section 153.54 of the Revised Code.

(3) Each bid for a contract, except as provided in division (G)(2) of this section, shall contain the full name of every person interested in it and shall be accompanied by a bond or certified check on a solvent bank, in the amount of ten per cent of the bid, that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The director may reject any or all bids. A bond with good and sufficient surety, approved by the director, shall be required of all contractors in an amount equal to at least one hundred per cent of the contract price, conditioned upon faithful

performance of the contract.

(H) Expend money appropriated to the department of development by the general assembly for the purposes of sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code;

(I) Do all acts and things necessary or proper to carry out the powers expressly granted and the duties imposed in sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code.

Sec. ~~122.75~~ 122.751. The minority development financing advisory board shall only consider an application for a loan from any applicant after a certification by the equal employment opportunity coordinator of the department of administrative services under division (B)(1) of section 123.151 of the Revised Code that the applicant is a minority business enterprise and that the applicant satisfies all criteria regarding eligibility for assistance pursuant to section 122.76 of the Revised Code.

Sec. 122.92. There is hereby created in the department of development a minority business development division. The division shall do all of the following:

(A) Provide technical, managerial, and counseling services and assistance to minority business enterprises;

(B) Provide procurement and bid packaging assistance to minority business enterprises;

(C) Provide bonding technical assistance to minority business enterprises;

(D) Participate with other state departments and agencies as appropriate in developing specific plans and specific program goals for programs to assist in the establishment and development of minority business enterprises and establish regular performance monitoring and reporting systems to ensure that those goals are being achieved;

(E) Implement state law and policy supporting minority business enterprise development, and assist in the coordination of plans, programs, and operations of state government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprises;

(F) Assist in the coordination of activities and resources of state agencies and local governments, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups, to promote the growth of minority business enterprises;

(G) Establish a center for the development, collection, and dissemination of information that will be helpful to persons in establishing or expanding minority business enterprises in ~~Ohio~~ this state;

(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;

(I) Coordinate reviews of all proposed state training and technical assistance activities in direct support of minority business enterprise programs to ensure consistency with program goals and to preclude duplication of efforts by other state agencies;

(J) Recommend appropriate legislative or executive actions to enhance minority business opportunities in the state;

(K) Assist minority business enterprises in obtaining governmental or commercial financing for business expansion, establishment of new businesses, or industrial development projects;

(L) Assist minority business enterprises in contract procurement from government and commercial sources;

(M) Establish procedures to identify groups who have been disadvantaged because of racial, cultural, or ethnic circumstances without regard to the individual qualities of the members of the group;

(N) Establish procedures to identify persons who have been economically disadvantaged;

(O) ~~Accept and review applications for loans pursuant to sections 122.71 to 122.83 of the Revised Code received to determine whether the applicants are minority business enterprises and whether the applicants have satisfied all other rules of the director of development and the minority financing commission regarding eligibility. The division shall transmit its findings to the minority development financing commission for that commission's review of the loan application and recommendations to the director of development.~~

~~(P)~~ Do all acts and things necessary or proper to carry out the powers expressly granted and duties imposed by sections 122.92 to 122.94 of the Revised Code.

Sec. 124.04. In addition to those powers enumerated in Chapters 123. and 125. of the Revised Code and as provided elsewhere by law, the powers, duties, and functions of the department of administrative services not specifically vested in and assigned to, or to be performed by, the state personnel board of review are hereby vested in and assigned to, and shall be performed by, the director of administrative services. These powers, duties, and functions shall include, but shall not be limited to, the following powers, duties, and functions:

(A) To prepare, conduct, and grade all competitive examinations for positions in the classified state service;

(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;

(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;

(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;

(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of such position, office, or employment;

(F) To develop and conduct personnel recruitment services for positions in the state service;

(G) To conduct research on specifications, classifications, and salaries of positions in the state service;

(H) To develop and conduct personnel training programs in cooperation with appointing authorities;

(I) To enter into agreements with universities and colleges for in-service training of personnel in the ~~state~~ civil service;

(J) To appoint such examiners, inspectors, clerks, and other assistants as are necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform and to prescribe the duties of all such employees;

(K) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the state classified service and assignment or reassignment of employees in the state classified service to specific position classifications;

(L) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;

(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision.

Sec. 124.07. The director of administrative services shall appoint such examiners, inspectors, clerks, and other assistants as are necessary to carry out sections 124.01 to 124.64 of the Revised Code. The director may designate persons in or out of the official service of the state to serve as

examiners or assistants under ~~his~~ the director's direction. An examiner or assistant shall receive such compensation for each day actually and necessarily spent in the discharge of ~~his~~ duties as an examiner or assistant as is determined by the director; provided, that if any such examiner or assistant is in the official service of the state~~,~~ or any political subdivision ~~thereof~~ of the state, it shall be a part of ~~his~~ the examiner's or assistant's official duties to render such services in connection with such examination without extra compensation.

Each state agency and state-supported college and university shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency, college, or university. If a municipal corporation chooses to use the services and facilities furnished by the department that are necessary to provide and maintain the standards so prescribed, the municipal corporation shall pay the cost of the services and facilities that the department furnishes to it. Such charges against a state agency, state college or university, or municipal corporation shall be computed on a reasonable cost basis in accordance with procedures prescribed by the director of budget and management. Any moneys the department of administrative services receives from any such state agency, college, university, or municipal corporation which are in excess of the amount necessary to pay the cost of furnishing such services and facilities during any fiscal year shall be either refunded to or credited for the ensuing fiscal year to the state agency, college, university, or municipal corporation that contributed the excess moneys.

The director of administrative services may enter into an agreement with any municipal corporation or other political subdivision to furnish services and facilities of the department of administrative services in the administration of its merit program. Such agreement shall provide that the department ~~of administrative services~~ shall be reimbursed for the reasonable costs of such services and facilities as determined by the director ~~of administrative services~~.

All moneys received by the department of administrative services as reimbursement for payroll and merit program services performed and facilities furnished shall be paid into the state treasury to the credit of the ~~personnel~~ human resources services fund, which is hereby created.

In counties of the state in which are located cities having municipal civil service commissions, the director may designate the municipal civil service

commission of the largest city within such county as ~~his~~ the director's agent for the purpose of carrying out such provisions of sections 124.01 to 124.64 of the Revised Code, within such counties, as the director designates. Each municipal civil service commission designated as agent of the director shall, at the end of each month, render an itemized statement to the director of the cost incurred by such commission for work done as agent of the director, and the director shall, after approving such statement, pay the total amount ~~thereof~~ of it to the treasurer of such municipal corporation in the same manner as other expenses of the department of administrative services.

The director, examiners, inspectors, clerks, and assistants shall, in addition to their salaries, receive reimbursement for such necessary traveling and other expenses as are incurred in the actual discharge of their official duties. The director may also incur the necessary expenses for stationery, printing, and other supplies incident to the business of the department of administrative services.

Sec. 124.181. (A) Except as provided in division (M) of this section, any employee paid under schedule B of section 124.15 or under schedule E-1 of section 124.152 of the Revised Code is eligible for the pay supplements provided ~~herein~~ in this section upon application by the appointing authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B) In computing any of the pay supplements provided in this section, the classification salary base shall be the minimum hourly rate of the pay range, provided in section 124.15 or 124.152 of the Revised Code, in which the employee is assigned at the time of computation.

(C) The effective date of any pay supplement, unless otherwise provided ~~herein~~ in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid under salary schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a

maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction thereof, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction thereof, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction thereof, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

(G) When a full-time employee whose salary or wage is paid directly by warrant of the auditor of state and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

(H) When a certain position or positions paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages, or to retain qualified bilingual employees. The bilingual pay supplement provided ~~herein~~ in this division may be granted in the amount of five per cent of the employee's classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director may establish a shift differential for employees. Such differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be covered by this ~~section~~ division.

(J) Whenever an employee is assigned to work in a higher level position for a continuous period of more than two weeks but no more than two years because of a vacancy, the employee's pay may be established at a rate that is approximately four per cent above the employee's current base rate for the period the employee occupies the position, provided that this temporary

occupancy is approved by the director. Employees paid under this ~~provision~~ division shall continue to receive any of the pay supplements due them under ~~provisions~~ other divisions of this section based on the step one base rate for their normal classification.

(K) If a certain position, or positions, within a class paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to have special technical certification, registration, or licensing to perform the functions which are under the mandate, a special professional achievement pay supplement may be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

(1) Before this supplement may be applied, evidence as to the requirement must be provided by the agency for each position involved, and certification must be received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided ~~herein~~ in this division shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(2) The director of administrative services may approve supplementary compensation for the director of health, if the director is a licensed physician, in accordance with a supplementary compensation schedule approved under division (M)(1) of this section or in accordance with another supplementary compensation schedule the director of administrative services considers appropriate. The supplementary compensation shall not exceed twenty per cent of the director of health's base rate of pay.

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 117.42, and 131.02 of the Revised Code, the state shall not institute any civil action to recover and shall not seek reimbursement for overpayments made in violation of division (E) of this section or division (C) of section 9.44 of the Revised Code for the period starting after June 24, 1987, and ending on October 31, 1993.

(O) Employees of the office of the treasurer of state who are exempt from collective bargaining coverage may be granted a merit pay supplement of up to one and one-half per cent of their step rate. The rate at which this supplement is granted shall be based on performance standards established

by the treasurer of state. Any supplements granted under this division shall be administered on an annual basis.

Sec. 125.023. During the period of an emergency as defined in section 5502.21 of the Revised Code, the department of administrative services may suspend, with regard to the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in sections 125.02 to 125.111 of the Revised Code and any of the requirements of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the ~~deputy~~ executive director of the emergency management agency shall make the request for the suspension of these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.

Sec. 125.04. (A) Except as provided in division (D) of this section, the department of administrative services shall determine what supplies and services are purchased by or for state agencies. Whenever the department of administrative services makes any change or addition to the lists of supplies and services that it determines to purchase for state agencies, it shall provide a list to the agencies of the changes or additions and indicate when the department will be prepared to furnish each item listed. Except for the requirements of division (B) of section 125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not apply to or affect the educational institutions of the state. The department shall not include the bureau of workers' compensation in the lists of supplies, equipment, and services purchased and furnished by the department.

Nothing in this division precludes the bureau from entering into a contract with the department for the department to perform services relative to supplies, equipment, and services contained in this division for the bureau.

(B) As used in this division, "political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department to participate in the department's

contracts under this division.

Subject to division (C) of this section, the department of administrative services may permit a political subdivision to participate in contracts into which the department has entered for the purchase of supplies and services. Any political subdivision desiring to participate in ~~such~~ those purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in ~~such~~ those contracts and shall agree that the political subdivision will be bound by ~~such~~ the terms and conditions ~~as~~ the department prescribes and that it will directly pay the vendor under each purchase contract. The department may charge a political subdivision a reasonable fee to cover the administrative costs the department incurs as a result of the subdivision's participation in the purchase contract. Purchases made by a political subdivision under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for ~~such~~ the purchase by the subdivision, unless ~~such~~ the purchase can be made upon the same terms, conditions, and specifications at a lower price under this division.

The department shall include in its annual report an estimate of the cost it incurs by permitting political subdivisions to participate in contracts pursuant to this division. The department may require political subdivisions participating in contracts pursuant to this division to file a report with the department, as often as it finds necessary, stating how many ~~such~~ of those contracts the political subdivisions participate in within a specified period of time, and any other information the department requires.

(C) A political subdivision as defined in division (B) of this section may purchase supplies or services from another party, including another political subdivision, instead of through participation in contracts described in division (B) of this section if the political subdivision can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision makes under this division are exempt from any competitive selection procedures otherwise required by law. A political subdivision that makes any purchase under this division shall maintain sufficient information regarding the purchase to verify that the political subdivision satisfied the conditions for making a purchase under this division. Nothing in this division restricts any action taken by a county or township as authorized by division (A) of section 9.48 of the Revised

Code.

(D) This section does not apply to supplies or services required by the legislative or judicial branches, boards of elections, the capitol square review and advisory board, or the adjutant general, to supplies or services purchased by a state agency directly as provided in division (A) or (E) of section 125.05 of the Revised Code, to purchases of supplies or services for the emergency management agency as provided in section 125.023 of the Revised Code, to purchases of supplies or services by the department of rehabilitation and correction for the northwest Ohio close security prison as provided in division (B) of section 5145.19 of the Revised Code, or to purchases of supplies or services for the department of rehabilitation and correction in its operation of the program for the employment of prisoners established under section 5145.16 of the Revised Code that shall be made pursuant to rules adopted by the director of administrative services and the director of rehabilitation and correction in accordance with Chapter 119. of the Revised Code. The rules may provide for the exemption of the program for the employment of prisoners from the requirements of division (A) of this section.

Sec. 125.111. (A) Every contract for or on behalf of the state or any of its political subdivisions for any purchase shall contain provisions similar to those required by section 153.59 of the Revised Code in the case of construction contracts by which the contractor agrees to both of the following:

(1) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor or subcontractor shall, by reason of race, color, religion, sex, age, handicap, national origin, or ancestry, discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the contract relates;

(2) That no contractor, subcontractor, or ~~any~~ person acting on behalf of any contractor or subcontractor shall, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of race, color, religion, sex, age, handicap, national origin, or ancestry.

(B) All contractors from whom the state or any of its political subdivisions make purchases shall have a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, as ~~defined~~ referred to in division (E)(1) of section 122.71 of the Revised Code. Annually, each such contractor shall file a description of the affirmative action program and a progress report on its implementation with

the ~~Ohio civil rights commission and the minority business development office established under section 122.92 of the Revised Code~~ equal employment opportunity office of the department of administrative services.

Sec. 125.15. All state agencies required to secure any equipment, materials, supplies, services, or contracts of insurance from the department of administrative services shall make acquisition in the manner and upon forms prescribed by the director of administrative services and shall reimburse the department for the equipment, materials, supplies, services, or contracts of insurance, including a reasonable sum to cover the department's administrative costs, ~~wherever~~ whenever reimbursement is required by the department. The money so paid shall be deposited in the state treasury to the credit of the general services fund~~, computer services fund,~~ or ~~telecommunication~~ the information technology fund, as appropriate. Such funds are hereby created.

Sec. 125.28. Each state agency that is supported in whole or in part by nongeneral revenue fund money and that occupies space in the James A. Rhodes or Frank J. Lausche state office tower, Toledo government center, Senator Oliver R. Ocasek government office building, Vern Riffe center for government and the arts, state of Ohio computer center, capitol square, or governor's mansion shall reimburse the general revenue fund for the cost of occupying ~~such~~ the space in the ratio that the occupied space in each facility attributable to such money bears to the total space occupied by the state agency in the facility.

All agencies that occupy space in the old blind school~~,~~ or the Ohio departments building~~,~~ or that occupy warehouse space in the general services facility shall reimburse the department for the cost of occupying ~~such~~ the space. The director of administrative services shall determine the amount of debt service, if any, to be charged to building tenants and shall collect reimbursements ~~therefor~~ for it.

Each agency that is supported in whole or in part by nongeneral revenue fund money and that occupies space in any other facility or facilities owned and maintained by the department of administrative services or space in the general services facility other than warehouse space shall reimburse the department for the cost of occupying ~~such~~ the space, including debt service, if any, in the ratio that the occupied space in each facility attributable to such money bears to the total space occupied by the state agency in the facility.

The director of administrative services may provide building maintenance services and skilled trades services to any state agency occupying space in a facility that is not owned by the department of

administrative services and may collect reimbursements for the cost of providing such services.

All money collected by the department for operating expenses of facilities owned or maintained by the department shall be deposited into the state treasury to the credit of the ~~facilities~~ building management fund, which is hereby created. All money collected by the department for skilled trades services shall be deposited into the state treasury to the credit of the skilled trades fund, which is hereby created. All money collected for debt service shall be deposited into the general revenue fund.

The director of administrative services shall determine the reimbursable cost of space in state-owned or state-leased facilities and shall collect reimbursements ~~therefor~~ for that cost.

Sec. 126.12. (A) The office of budget and management shall prepare and administer a statewide indirect cost allocation plan that provides for the recovery of statewide indirect costs from any fund of the state. The director of budget and management may make transfers of statewide indirect costs from the appropriate fund of the state to the general revenue fund on an intrastate transfer voucher. The director, for reasons of sound financial management, also may waive the recovery of statewide indirect costs. Prior to making a transfer in accordance with this division, the director shall notify the affected agency of the amounts to be transferred.

(B) As used in this section, "statewide indirect costs" means operating costs incurred by an agency in providing services to any other agency, for which there was no billing to such other agency for the services provided, and for which disbursements have been made from the general revenue fund.

(C) Notwithstanding any provision of law to the contrary, in order to reduce the payment of adjustments to the federal government as determined under the plan prepared under division (A) of this section, the director of budget and management shall, on or before the first day of September each fiscal year, designate such funds of the state as the director considers necessary to retain their own interest earnings.

Sec. 126.21. (A) The director of budget and management shall do all of the following:

~~(A)~~(1) Keep all necessary accounting records;

~~(B)~~(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;

~~(C)~~(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers;

~~(D)~~(4) Reconcile, in the case of any variation between the amount of

any appropriation and the aggregate amount of items ~~thereof~~ of the appropriation, with the advice and assistance of the state agency affected ~~thereby~~ by it and the legislative budget office of the legislative service commission, totals so as to correspond in the aggregate with the total appropriation. In the case of a conflict between the item and the total of which it is a part, the item shall be considered the intended appropriation.

~~(E)~~(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;

~~(F)~~(6) Authorize the establishment of petty cash accounts. The director of budget and management may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of ~~such~~ the petty cash and shall report when requested the balance of petty cash on hand at any time.

~~(G)~~(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;

~~(H)~~(8) Perform ~~such~~ extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary;

~~(I)~~(9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds and account groups of the state reporting entity and shall include general purpose financial statements prepared in accordance with generally accepted accounting principles and ~~such~~ other information as the director provides. All state agencies, authorities, institutions, offices, retirement systems, and other component units of the state reporting entity as determined by the director shall furnish the director whatever financial statements and other information the director requests for the report, in ~~such~~ the form, at ~~such~~ the times, covering ~~such~~ the periods, and with ~~such~~ the attestation ~~as~~ the director prescribes. The information for state institutions of higher education, as ~~such term is~~ defined in section 3345.011 of the Revised Code, shall be submitted to the director by the Ohio board of regents. The board shall establish a due date by which each such institution shall submit the information to the board, but no such date shall be later than one hundred twenty days after the end of the state fiscal year unless a later date is approved by the director.

(B) In addition to the director's duties under division (A) of this section, the director of budget and management may establish and administer one or more state payment card programs that permit or require state agencies to use a payment card to purchase equipment, materials, supplies, or services in accordance with guidelines issued by the director. The director may

contract with one or more vendors to provide the payment cards and payment card services. State agencies may only participate in state payment card programs that the director establishes pursuant to this section.

Sec. 126.25. The accounting services provided by the director of budget and management shall be supported by user charges. ~~He~~ The director shall determine a rate that is sufficient to defray the expense of ~~such~~ those services and the manner by which ~~such~~ those charges shall be collected. All money collected from user charges shall be deposited in the state treasury to the credit of the state accounting fund, which is hereby created. Rebates or revenue shares received from any state payment card program established under division (b) of section 126.21 of the Revised Code and miscellaneous payments that reimburse expenses paid from the state accounting fund may be deposited into the state accounting fund and used to support accounting services.

Sec. 126.31. (A) Any officer, member, or employee of, or consultant to, the general assembly, supreme court, court of appeals, court of claims, any agency of any of these, or any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code~~,~~ may be reimbursed for ~~his~~ actual and necessary traveling and other expenses incurred while attending any gathering, conference, or convention, or while performing official duties, inside or outside this state, if authorized by the general assembly or by that court, agency, university, or college, respectively. Reimbursement shall be made in the manner, and at rates that do not exceed those, prescribed by law or, in the absence of such law, in the manner, and at rates that do not exceed those, established by the general assembly or by that court, agency, university, or college, respectively.

(B) Any officer, member, or employee of, or consultant to, any ~~other~~ state agency, other than a state agency described in division (A) of this section, whose compensation is paid in whole or in part from state funds may be reimbursed directly for ~~his actual and necessary~~ traveling and other expenses incurred while the officer, member, employee, or consultant is attending any ~~gathering~~ meeting, conference, ~~or~~ retreat, convention, or similar gathering, or while the officer, member, employee, or consultant is performing official duties, inside or outside this state, if authorized by that state agency, or the provider of goods or services to the officer, member, employee, or consultant may be reimbursed directly for those traveling or other expenses. Notwithstanding any other statute to the contrary, reimbursement to the officer, member, employee, consultant, or provider shall be made in the manner, and at rates that do not exceed those, provided by rule of the director of budget and management adopted in accordance

with ~~Chapter 119.~~ section 111.15 of the Revised Code. Not later than the thirtieth day of September each year, the director of budget and management shall submit to the president and minority leader of the senate and the speaker and minority leader of the house of representatives a summary of all out-of-state travel expenditures reimbursed by any ~~such~~ state agencies under this division during the preceding fiscal year.

(C) The spouse of the governor may be reimbursed directly for the spouse's ~~actual and necessary~~ traveling and other expenses incurred while attending any ~~gathering~~ meeting, conference, ~~or~~ retreat, convention, or similar gathering to assist or serve the governor in the discharge of the governor's official duties, or while otherwise assisting or serving the governor in the discharge of the governor's official duties, inside or outside this state, if authorized by the governor, or the provider of goods or services to the governor's spouse may be reimbursed directly for those traveling or other expenses. Notwithstanding any other statute to the contrary, reimbursement made under this division is exclusively for the use and benefit of the governor's spouse and shall not be considered as inuring to the use or benefit of the governor for any purpose. Reimbursement shall be made in the manner, and at rates that do not exceed those, provided by rule of the director of budget and management adopted in accordance with ~~Chapter 119.~~ section 111.15 of the Revised Code.

(D) The director of budget and management may establish by rule adopted in accordance with section 111.15 of the Revised Code or by guidelines the allowable expenses a state agency may incur to host or sponsor any meeting, conference, retreat, convention, or similar gathering and the manner in which and the rates at which the state agency may incur those expenses. A state agency shall comply with any rule or guideline adopted under this division.

This division does not apply to the general assembly, supreme court, court of claims, any agency of any of these, or any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code.

Sec. 126.32. (A) Any officer of any state agency may authorize reimbursement for travel, including the costs of transportation, for lodging, and for meals to any person who is interviewing for a position that is classified ~~as pay range 33 or above in schedule B of section 124.15 of the Revised Code or~~ in pay range 13 or above in schedule E-1 ~~of section 124.152 of the Revised Code~~, or is classified in ~~schedule C of section 124.15 or in~~ schedule E-2, of section 124.152 of the Revised Code.

(B) If a person is appointed to a position listed in section 121.03 of the

Revised Code, to ~~another comparable~~ the position of administrator of workers' compensation after August 31, 2000, chairperson of the industrial commission, adjutant general, chancellor of the Ohio board of regents, superintendent of public instruction, chairperson of the public utilities commission of Ohio, or director of the state lottery commission, to a position holding a fiduciary relationship to the governor, to a position of an appointing authority of the department of mental health, mental retardation and developmental disabilities, or rehabilitation and correction, to a position of superintendent in the department of youth services, or to a position under section 122.05 of the Revised Code, and ~~such~~ if that appointment requires a permanent change of residence, the appropriate state agency may reimburse the person for ~~his~~ the person's actual and necessary expenses, including the cost of in-transit storage of household goods and personal effects, of moving ~~himself~~ the person and members of ~~his~~ the person's immediate family residing in ~~his~~ the person's household, and of moving their household goods and personal effects, to ~~his~~ the person's new location.

Until ~~such a~~ that person moves ~~his~~ the person's permanent residence to the new location, but not for a period that exceeds thirty consecutive days, the state agency may reimburse the person for ~~his~~ the person's temporary living expenses at the new location that ~~he~~ the person has incurred on behalf of ~~himself~~ the person and members of ~~his~~ the person's immediate family residing in ~~his~~ the person's household. In addition, the state agency may reimburse ~~such~~ that person for ~~his~~ the person's travel expenses between the new location and ~~his~~ the person's former residence during this period for a maximum number of trips specified by rule of the director of budget and management, but the state agency shall not reimburse the person for travel expenses incurred for those trips by members of the person's immediate family. With the prior written approval of the director ~~of budget and management~~, the maximum thirty-day period for temporary living expenses may be extended for a person appointed to a position under section 122.05 of the Revised Code.

The director of development may reimburse a person appointed to a position under section 122.05 of the Revised Code for ~~his~~ the person's actual and necessary expenses of moving ~~himself~~ the person and members of ~~his~~ the person's immediate family residing in ~~his~~ the person's household back to the United States and may reimburse a person appointed to such a position for the cost of storage of household goods and personal effects of the person and the person's immediate family while the person is serving outside the United States, if the person's office outside the United States is the person's primary job location.

(C) All reimbursement under division (A) or (B) of this section shall be made in the manner, and at rates that do not exceed those, provided by rule of the director of budget and management in accordance with ~~Chapter 119.~~ section 111.15 of the Revised Code. Reimbursements may be made under division (B) of this section directly to the persons who incurred the expenses or directly to the providers of goods or services the persons receive, as determined by the director of budget and management.

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under disability assistance medical assistance established under Chapter 5115. of the Revised Code;

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;

(4) Applying to entertainment contracts for the Ohio state fair entered

into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mines and reclamation to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of human services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;

(10) Applying to any agency of the legislative branch of the state government;

(11) Applying to agreements entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;

(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;

(13) Applying to dues or fees paid for membership in an organization or association;

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or

watercraft fuel, or emergency repairs of such vehicles;

(16) Applying to purchases of tickets for passenger air transportation;

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

(18) Applying to the judicial branch of state government;

(19) Applying to purchases of liquor for resale by the department or, on and after July 1, 1997, the division of liquor control;

(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;

(26) Applying to payments by the department of human services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;

(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;

(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.

(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of

state institutions of higher education;

(31) Applying to the department of human services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code.

(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.

(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 129.55. In the event the moneys to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, are insufficient to meet in full any payment of interest, principal, or charges due for the issuance and retirement of bonds or other obligations issued pursuant to Section 2f of Article VIII, Ohio Constitution, and section 129.50 of the Revised Code, the commissioners of the sinking fund ~~shall~~, within ten days prior to the time any such payment is due, shall certify to the treasurer of state the total amount of such payment, the amount of moneys to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and the amount of additional money necessary to be credited to such bond retirement fund to meet in full the payment of such interest, principal, or charges when due.

Upon receipt of such certification or if on presentation for payment when due of either principal or interest on the bonds or other obligations, there be insufficient moneys in such fund to make any such payment, the treasurer of state shall transfer the amount of additional moneys necessary to meet such payment to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, from the undistributed

revenues derived from all excises and taxes of the state, except ad valorem taxes on real and personal property, income taxes, and fees, excises, or license taxes relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles, drawing first upon the undistributed revenues derived from the tax levied by section 5743.02 of the Revised Code, then upon the undistributed revenues derived from the tax levied by section 5743.32 of the Revised Code, then upon the undistributed revenues derived from the tax levied by section 5739.02 of the Revised Code, and then from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43, 4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.13, 5733.06, and 5741.02 of the Revised Code in proportion to the amount of undistributed revenues derived from each such tax.

Sec. 129.63. (A) The commissioners of the sinking fund ~~shall,~~ prior to the twentieth day of December of each year, shall certify to the treasurer of state:

(1) The amount of moneys required during the next succeeding calendar year to meet in full as they become due payments of principal, interest, and charges for the issuance and retirement of bonds or notes issued pursuant to Section 2h of Article VIII, Ohio Constitution, and section 129.60 of the Revised Code, and the date of such payments;

(2) The amount of money to the credit of the development bond retirement fund created under Section 2h of Article VIII, Ohio Constitution, on the date the certification is made.

(B) The commissioners of the sinking fund ~~shall~~, not earlier than the thirtieth day nor later than the twentieth day, prior to the date any payments of principal, interest, or charges for the issuance or retirement of bonds or notes issued under Section 2h of Article VIII, Ohio Constitution, and section 129.60 of the Revised Code become due, shall certify to the treasurer of state:

(1) The total amount of such payments, the amount of moneys then to the credit of the development bond retirement fund created under Section 2h of Article VIII, Ohio Constitution, and any amounts of additional money necessary to meet such payments in full when due;

(2) The amount of any payments of principal, interest, or charges for the issuance or retirement of bonds or notes issued under Section 2f of Article VIII, Ohio Constitution, which will become due on or before the tenth day following the date of payment set forth in division (B)(1) of this section, the amounts then to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and any amounts of

additional money necessary to meet such payments from such fund when due.

(C) Upon receipt of the certifications required under division (B) of this section, the treasurer of state shall:

(1) Transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, from the revenues authorized by section 129.55 of the Revised Code to be paid into such fund and in the order described in such section, the amounts of additional money, if any, certified as necessary under division (B)(2) of this section to make the payments from each of such funds as certified under such division;

(2) Transfer, after making whatever transfers are required by division (C)(1) of this section, the additional amounts of money, if any, certified as necessary under division (B)(1) of this section to make the payments as certified under such division to the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, from the undistributed revenues derived from all excises and taxes of the state, except ad valorem taxes on real and personal property, income taxes, and fees, excises or license taxes relating to registration, operation, or use of vehicles on the public highways, or to fuels used for propelling such vehicles, drawing first upon the undistributed revenues derived from the tax levied by section 5739.02 of the Revised Code remaining after any transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, of such amounts of those revenues as may be required by section 129.55 of the Revised Code to be so transferred, and then from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43, 4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.13, 5733.06, 5741.02, 5743.02, and 5743.32 of the Revised Code in proportion to the amount of undistributed revenues from each such tax remaining after the transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, of such amount of those revenues as may be required by section 129.55 of the Revised Code to be so transferred.

Sec. 129.73. (A) The commissioners of the sinking fund ~~shall~~, prior to the twentieth day of December of each year, shall certify to the treasurer of state:

(1) The amount of moneys required during the next succeeding calendar year to meet in full, as they become due, payments of principal, interest, and charges for the issuance and retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, and the date of such payments;

(2) The amount of money to the credit of the public improvements bond retirement fund created under section 129.72 of the Revised Code on the date the certification is made.

(B) The commissioners of the sinking fund ~~shall~~, not earlier than the thirtieth day nor later than the twentieth day, prior to the date any payments of principal, interest, or charges for the issuance or retirement of obligations issued under Section 2i of Article VIII, Ohio Constitution, or former section 129.70 of the Revised Code become due, shall certify to the treasurer of state:

(1) The total amount of such payments of principal, interest, or charges, the amount of moneys then to the credit of the public improvements bond retirement fund created under section 129.72 of the Revised Code ~~which~~ that may be expended for such payments, and any amounts of additional money necessary to meet such payments in full when due;

(2) The amount of any payments of principal, interest, or charges for the issuance or retirement of bonds or notes issued under Section 2f of Article VIII, Ohio Constitution, which will become due on or before the tenth day following the date of payment referred to in division (B)(1) of this section, the amount then to the credit of the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and any amounts of additional money necessary to meet such payments from such fund when due;

(3) The amount of any payments of principal, interest, or charges for the issuance or retirement of bonds or notes issued under Section 2h of Article VIII, Ohio Constitution, which will become due on or before the tenth day following the date of payment referred to in division (B)(1) of this section, the amounts then to the credit of the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, any amounts of additional money necessary to meet such payments from such fund when due.

(C) Upon receipt of the certifications required under division (B) of this section, the treasurer of state shall:

(1) Transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, from the revenues authorized by section 129.55 of the Revised Code to be paid into such fund and in the order described in such section, the amounts of additional money, if any, certified as necessary under division (B)(2) of this section to make the payments from such fund as certified under such division;

(2) Transfer to the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, from the revenues authorized by

section 129.63 of the Revised Code to be paid into such fund and in the order described in such section, the amounts of additional money, if any, certified as necessary under division (B)(3) of this section to make the payments from such fund as certified under such division;

(3) Transfer, after making whatever transfers are required by divisions (C)(1) and (2) of this section, the additional amounts of money, if any, certified as necessary under division (B)(1) of this section to make the payments of principal, interest, or charges as certified under such division to the public improvements bond retirement fund created by section 129.72 of the Revised Code, from the undistributed revenues derived from all excises and taxes of the state, except ad valorem taxes on real and personal property, income taxes, and fees, excises or license taxes relating to registration, operation, or use of vehicles on the public highways, or to fuels used for propelling such vehicles, which excises and taxes, other than those excepted, are and shall be deemed to be levied, in addition to the purposes otherwise provided for by law, to provide in accordance with the provisions of this section for the payment of interest, principal, and charges on tax supported obligations, including bonds and notes, issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, provided that the treasurer of state shall draw first upon the undistributed revenues derived from the tax levied by section 5739.02 of the Revised Code remaining after any transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, of such amounts of those revenues as may be required by sections 129.55 and 129.63 of the Revised Code to be so transferred, and then from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43, 4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.18, 5731.19, 5733.06, 5741.02, 5743.02, and 5743.32 of the Revised Code in proportion to the amount of undistributed revenues from each such tax remaining after the transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, and the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, of such amount of those revenues as may be required by sections 129.55 and 129.63 of the Revised Code to be so transferred.

(D) If on presentation for payment when due of either principal or interest on obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and former section 129.70 of the Revised Code, there are insufficient moneys for the payment of such principal and interest, the

reasurer of state shall also transfer to the public improvements bond retirement fund from the undistributed revenues referred to in division (C)(3) of this section and in the order specified therein such additional amounts as may be required for such payments.

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:

(A) "Account" means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification.

(B) "Accounting procedure" means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control.

(C) "Accounting system" means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, balanced account groups, and organizational components.

(D) "Allocation" means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time.

(E) "Allotment" means all or part of an appropriation which may be encumbered or expended within a specific period of time.

(F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes.

(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value.

(H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them.

(I) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.

(J) "Disbursement" means a payment made for any purpose.

(K) "Electronic benefit transfer" means the electronic delivery of ~~public assistance~~ benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.

(L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer.

(M) "Encumbrancing document" means a document reserving all or part of an appropriation.

(N) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met.

(O) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.

(P) "Lapse" means the automatic termination of an appropriation at the end of the fiscal period for which it was appropriated.

(Q) "Reappropriation" means an appropriation of a previous appropriation that is continued in force in a succeeding appropriation period. "Reappropriation" shall be equated with and incorporated in the term "appropriation."

(R) "Voucher" means the document used to transmit a claim for payment and evidentiary matter related to the claim.

(S) "Warrant" means an order drawn upon the treasurer of state by the auditor of state directing the treasurer of state to pay a specified amount, including an order to make a lump-sum payment to a financial institution for the transfer of funds by direct deposit or the drawdown of funds by electronic benefit transfer, and the resulting electronic transfer to or by the ultimate payees.

The terms defined in this section shall be used, on all accounting forms, reports, formal rules, and budget requests produced by a state agency, only as defined in this section.

Sec. 131.39. If a state agency determines that all or a portion of a fee, fine, penalty, or other nontax payment made to the agency is not owed, the agency may refund, from the fund to which the payment was credited, the amount that is not owed. If the agency lacks sufficient unencumbered appropriations to make the refund, the agency may request the controlling board for authority to make the refund. The board may authorize the agency to make the refund upon a determination that the refund is due and that sufficient unencumbered money remains in the fund.

This section does not supersede any authority to refund a payment that an agency has under any other law.

Sec. 133.20. (A) This section applies to bonds that are general obligation Chapter 133. securities. If the bonds are payable as to principal by provision for annual installments, the period of limitations on their last

maturity, referred to as their maximum maturity, shall be measured from a date twelve months prior to the first date on which provision for payment of principal is made. If the bonds are payable as to principal by provision for semiannual installments, the period of limitations on their last maturity shall be measured from a date six months prior to the first date on which provision for payment of principal is made.

(B) Bonds issued for the following permanent improvements or for permanent improvements for the following purposes shall have maximum maturities not exceeding the number of years stated:

(1) Fifty years:

(a) The clearance and preparation of real property for redevelopment as an urban redevelopment project;

(b) Acquiring, constructing, widening, relocating, enlarging, extending, and improving a publicly owned railroad or line of railway or a light or heavy rail rapid transit system, including related bridges, overpasses, underpasses, and tunnels, but not including rolling stock or equipment.

(2) Forty years:

(a) General waterworks or water system permanent improvements, including buildings, water mains, or other structures and facilities in connection therewith;

(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;

(c) Storm water drainage, surface water, and flood prevention facilities.

(3) Thirty years:

(a) Municipal recreation, excluding recreational equipment;

(b) Urban redevelopment projects;

(c) Acquisition of real property;

(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.

(4) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.

(5) Fifteen years:

(a) Resurfacing roads, highways, streets, or alleys;

(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;

(c) Passenger buses used for mass transportation;

(d) Energy conservation measures as authorized by section 133.06 of the

Revised Code.

(6) Ten years:

(a) Water meters;

(b) Fire department apparatus and equipment;

(c) Road rollers and other road construction and servicing vehicles;

(d) Furniture, equipment, and furnishings;

(e) Landscape planting and other site improvements;

(f) Playground, athletic, and recreational equipment and apparatus;

(g) Energy conservation measures as authorized by section ~~133.06,~~ 307.041, 505.264, or 717.02 of the Revised Code.

(7) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.

(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have such maturities, not to exceed forty years, as the taxing authority shall specify.

(D) Securities issued under section 505.265 or 717.07 of the Revised Code shall mature not later than December 31, 2035.

(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of this section. The maximum maturity of such a bond issue shall not exceed the average number of years of life or period of usefulness of the permanent improvements as measured by the weighted average of the amounts expended or proposed to be expended for the categories of permanent improvements.

Sec. 135.63. The treasurer of state may invest in linked deposits under sections 135.61 to 135.67 ~~and,~~ agricultural linked deposits under sections 135.71 to 135.76, and assistive technology device linked deposits under sections 135.91 to 135.97 of the Revised Code, provided that at the time of placement of any linked deposit ~~or~~ under sections 135.61 to 135.67 of the Revised Code, agricultural linked deposit, or assistive technology device linked deposits, the combined amount of investments in the linked deposits ~~and,~~ agricultural linked deposits, and assistive technology device linked deposits is not more than twelve per cent of the state's total average investment portfolio as determined by the treasurer of state. When deciding whether to invest in the linked deposits ~~and,~~ agricultural linked deposits, or

assistive technology device linked deposits, the treasurer of state shall give priority to the investment, liquidity, and cash flow needs of the state.

Sec. 135.91. As used in sections 135.91 to 135.97 of the Revised Code:

(A) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability. "Assistive technology device or devices" includes, but is not limited to, hearing aids, text telephones, computer talking software, braille printers, optical scanners, closed circuit television, manual or motorized wheelchairs, and home and van modifications.

(B) "Disability" has the same meaning as in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101.

(C) "Eligible individual with a disability" means any of the following:

(1) An individual with a disability who is a resident of this state and whose independence and quality of life would be improved by an assistive technology device;

(2) An individual with a disability who cannot secure funding through governmental sources, private insurance, or other means to obtain assistive technology devices that will enable that individual to live independently and enhance that individual's employment opportunities;

(3) A parent, custodian, or guardian who applies for a loan as provided in section 135.93 of the Revised Code on behalf of an individual described in division (C)(1) of this section.

(D) "Eligible lending institution" means a financial institution that is eligible to make loans, is a public depository of state funds under section 135.03 of the Revised Code, and agrees to participate in the assistive technology device linked deposit program.

(E) "Assistive technology device linked deposit" means a certificate of deposit placed by the treasurer of state with an eligible lending institution at up to three per cent below current market rates, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of the deposit, according to the deposit agreement required by section 135.92 of the Revised Code, to eligible individuals with disabilities at an interest rate of three per cent below the present borrowing rate applicable to each individual with a disability at the time of the deposit of state funds in the institution.

Sec. 135.92. (A) An eligible lending institution shall enter into a deposit agreement with the treasurer of state, which agreement shall include requirements necessary to carry out the purposes of sections 135.91 to

97 of the Revised Code. These requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area.

(B)(1) The deposit agreement required by division (A) of this section shall include provisions for certificates of deposit to be placed for any maturity considered appropriate by the treasurer of state not to exceed two years, but may be renewed for up to an additional two years at the option of the treasurer of state. Interest shall be paid at the times determined by the treasurer of state.

(2) The deposit agreement required by division (A) of this section may include a specification of the period of time in which the lending institution is to lend funds upon the placement of a linked deposit.

(C) Eligible lending institutions shall comply fully with sections 135.91 to 135.97 of the Revised Code and with this chapter.

Sec. 135.93. (A) An eligible lending institution that desires to receive an assistive technology device linked deposit shall accept and review applications for loans from eligible individuals with disabilities. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible individual with a disability.

(B)(1) The eligible financial institution shall forward to the treasurer of state an assistive technology device linked deposit loan package, in the form and manner as prescribed by the treasurer of state.

(2) The package required by division (B)(1) of this section shall include such information as required by the treasurer of state, including the amount of the loan requested and a note from the physician of the eligible individual with a disability that attests to the individual's disability, specifies that the individual would benefit from an assistive technology device, and identifies what assistive technology device would be the most appropriate for the individual.

(3) The institution shall certify that each applicant is an eligible individual with a disability, and shall certify the present borrowing rate applicable to each eligible individual.

(C) An eligible individual with a disability shall certify on the individual's loan application that the reduced rate loan will be used exclusively to obtain an assistive technology device.

(D) Whoever knowingly makes a false statement in or concerning an individual's application for a loan under sections 135.91 to 135.97 of the Revised Code is guilty of the offense of falsification under section 2921.13 of the Revised Code.

Sec. 135.94. (A) Upon the placement of an assistive technology device linked deposit with an eligible lending institution, the institution shall lend

funds to each approved eligible individual with disabilities listed in the assistive technology device linked deposit loan package required by section 135.93 of the Revised Code and in accordance with the deposit agreement required by section 135.92 of the Revised Code.

(B) The loan of funds described in division (A) of this section shall be at an interest rate of three per cent below the present borrowing rate applicable to each individual with a disability.

(C) An eligible lending institution shall certify compliance with this section in the form and manner prescribed by the treasurer of state.

Sec. 135.95. (A) The treasurer of state may accept or reject an assistive technology device linked deposit loan package or any portion of the package required by section 135.93 of the Revised Code, based on the treasurer's evaluation of each eligible individual with disabilities included in the package and the amount of state funds to be deposited.

(B) Upon acceptance of the assistive technology device linked deposit loan package or any portion of the package required by section 135.93 of the Revised Code, the treasurer of state may place certificates of deposit with the eligible lending institution at three per cent below current market rates, as determined and calculated by the treasurer of state. However, when necessary, the treasurer of state may place certificates of deposit prior to acceptance of an assistive technology device linked deposit loan package.

Sec. 135.96. (A) The treasurer of state shall take all steps, including the development of guidelines, necessary to implement the assistive technology device linked deposit program established under sections 135.91 to 135.97 of the Revised Code and monitor compliance of eligible lending institutions and eligible individuals with disabilities.

(B)(1) Annually, by the first day of February, the treasurer of state shall report on the assistive technology device linked deposit program established under sections 135.91 to 135.97 of the Revised Code for the preceding calendar year to the governor, the speaker of the house of representatives, and the president of the senate.

(2) The report required by division (B)(1) of this section shall set forth the assistive technology device linked deposits made by the treasurer of state under the program during the year and shall include information regarding both of the following:

(a) The nature, terms, and amounts of the loans upon which the assistive technology device linked deposits were based;

(b) The eligible individuals with disabilities to whom the loans were made.

(3) The speaker of the house of representatives shall transmit copies of

the report required by division (B)(1) of this section to the chairperson of the standing house of representatives committee that customarily considers legislation regarding human services, and the president of the senate shall transmit copies of the report to the chairperson of the standing senate committee that customarily considers legislation regarding human services.

Sec. 135.97. (A) The state and the treasurer of state are not liable to any eligible lending institution in any manner for payment of the principal or interest on a loan made under sections 135.91 to 135.97 of the Revised Code to an eligible individual with a disability.

(B) Any delay in payments or default on the part of an eligible individual with a disability with respect to a loan made under sections 135.91 to 135.97 of the Revised Code does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state.

Sec. 149.30. The Ohio historical society, chartered by this state as a corporation not for profit to promote a knowledge of history and archaeology, especially of Ohio, and operated continuously in the public interest since 1885, may perform public functions as prescribed by law.

The general assembly may appropriate money to the Ohio historical society each biennium to carry out the public functions of the society as enumerated in this section. An appropriation by the general assembly to the society constitutes an offer to contract with the society to carry out those public functions for which appropriations are made. An acceptance by the society of the appropriated funds constitutes an acceptance by the society of the offer and is considered an agreement by the society to perform those functions in accordance with the terms of the appropriation and the law and to expend the funds only for the purposes for which appropriated. The governor may request on behalf of the society, and the controlling board may release, additional funds to the society for survey, salvage, repair, or rehabilitation of an emergency nature for which funds have not been appropriated, and acceptance by the society of ~~such moneys~~ those funds constitutes an agreement on the part of the society to expend ~~such~~ those funds only for the purpose for which released by the controlling board.

The society shall faithfully expend and apply all moneys received from the state to the uses and purposes directed by law and for necessary administrative expenses. The society shall perform the public function of sending notice by certified mail to the owner of any property at the time it is listed on the national register of historic places. The society shall accurately record all expenditures of such funds in conformity with generally accepted accounting principles.

The auditor of state shall audit all funds and fiscal records of the society.

The public functions to be performed by the Ohio historical society shall include all of the following:

(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the society as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, custody, and control of the society, all of which shall be maintained and kept for public use at reasonable hours;

(B) Making alterations and improvements, marking, and constructing, reconstructing, protecting, or restoring structures, earthworks, and monuments in its care, and equipping such facilities with appropriate educational maintenance facilities;

(C) Serving as the archives administration for the state and its political subdivisions as provided in sections 149.31 to 149.42 of the Revised Code;

(D) Administering a state historical museum, to be the headquarters of the society and its principal museum and library, which shall be maintained and kept for public use at reasonable hours;

(E) Establishing a marking system to identify all designated historic and archaeological sites within the state and marking or causing to be marked historic sites and communities considered by the society to be historically or archaeologically significant;

(F) Publishing books, pamphlets, periodicals, and other publications about history, archaeology, and natural science and supplying one copy of each regular periodical issue to all public libraries in this state without charge;

(G) Engaging in research in history, archaeology, and natural science and providing historical information upon request to all state agencies;

(H) Collecting, preserving, and making available by all appropriate means and under approved safeguards all manuscript, print, or near-print library collections and all historical objects, specimens, and artifacts which pertain to the history of Ohio and its people, including the following original documents: Ohio Constitution of 1802; Ohio Constitution of 1851; proposed Ohio Constitution of 1875; design and the letters of patent and assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67

(1885); S.J.R. 17 (1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 (1947);

(I) Encouraging and promoting the organization and development of county and local historical societies;

(J) Providing Ohio schools with such materials at cost or near cost as the society may prepare to facilitate the instruction of Ohio history;

(K) Providing advisory and technical assistance to local societies for the preservation and restoration of historic and archaeological sites;

(L) Devising uniform criteria for the designation of historic and archaeological sites throughout the state and advising local historical societies of the criteria and their application;

(M) Taking inventory, in cooperation with the Ohio arts council, the Ohio archaeological council, and the archaeological society of Ohio, of significant designated and undesignated state and local sites and keeping an active registry of all designated sites within the state;

(N) Contracting with the owners or persons having an interest in designated historic or archaeological sites or property adjacent or contiguous to ~~such~~ those sites, or acquiring, by purchase, gift, or devise, easements in ~~such~~ those sites or in property adjacent or contiguous to ~~such~~ those sites, in order to control or restrict the use of ~~such~~ those historic or archaeological sites or adjacent or contiguous property for the purpose of restoring or preserving the historical or archaeological significance or educational value of ~~such~~ those sites;

(O) Constructing a monument honoring Governor James A. Rhodes, which shall stand on the northeast quadrant of the grounds surrounding the capitol building. The monument shall be constructed with private funds donated to the Ohio historical society and designated for this purpose. No public funds shall be expended to construct this monument. The department of administrative services shall cooperate with the Ohio historical society in carrying out this function and shall maintain the monument in a manner compatible with the grounds of the capitol building.

(P) Commissioning a portrait of each departing governor, which shall be displayed in the capitol building. The Ohio historical society may accept private contributions designated for this purpose and, at the discretion of its board of trustees, also may apply for the same purpose funds appropriated

by the general assembly to the society pursuant to this section.

(Q) Planning and developing a center at the capitol building for the purpose of educating visitors about the history of ~~ohio~~ OHIO, including its political, economic, and social development and the design and erection of the capitol building and its grounds. The Ohio historical society may accept contributions of private moneys and in-kind services designated for this purpose and may, at the discretion of its board of trustees, also apply, for the same purpose, personnel and other resources paid in whole or in part by its state subsidy.

~~(Q)~~(R) Submitting an annual report of its activities, programs, and operations to the governor within two months after the close of each fiscal year of the state.

The society shall not sell, mortgage, transfer, or dispose of historical or archaeological sites to which it has title and in which the state has monetary interest except by action of the general assembly.

In consideration of the public functions performed by the Ohio historical society for the state, employees of the society shall be considered public employees within the meaning of section 145.01 of the Revised Code.

Sec. 166.03. (A) There is hereby created the facilities establishment fund within the state treasury, consisting of proceeds from the issuance of obligations as specified under section 166.08 of the Revised Code; the moneys received by the state from the sources specified in section 166.09 of the Revised Code; service charges imposed under sections 166.06 and 166.07 of the Revised Code; any grants, gifts, or contributions of moneys received by the director of development to be used for loans made under section 166.07 of the Revised Code or for the payment of the allowable costs of project facilities; and all other moneys appropriated or transferred to the fund. Moneys in the loan guarantee fund in excess of four per cent of the unpaid principal amount of loan repayments guaranteed under section 166.06 of the Revised Code, but subject to the provisions and requirements of any guarantee contracts, may be transferred to the facilities establishment fund by the treasurer of state upon the order of the director of development. Moneys received by the state under Chapter 122. of the Revised Code, to the extent allocable to the utilization of moneys derived from proceeds of the sale of obligations pursuant to section 166.08 of the Revised Code, shall be credited to the facilities establishment fund.

(B) All moneys appropriated or transferred to the facilities establishment fund may be released at the request of the director for payment of allowable costs or the making of loans under this chapter, for

transfer to the loan guarantee fund established in section 166.06 of the Revised Code, or for use for the purpose of or transfer to the funds established by sections 122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 122.80~~, and~~; until June 30, 1999, ~~sections~~ section 122.26; and until July 1, 2001, section 166.031 of the Revised Code, but only for such of those purposes as are within the authorization of Section 13 of Article VIII, Ohio Constitution, in all cases subject to the approval of the controlling board.

(C) ~~Moneys transferred to the facilities establishment fund under section 3734.82 of the Revised Code shall be used exclusively for eligible projects that recover or recycle energy from scrap tires, as "scrap tires" is defined in section 3734.01 of the Revised Code, for any of the following purposes:~~

~~(1) Making loans under this chapter;~~

~~(2) Making grants;~~

~~(3) Providing other incentives, including, without limitation, entering into contracts with private entities to conduct environmental studies or tests for eligible projects that propose to recover energy from scrap tires.~~

~~The director shall adopt rules under division (B)(9) of section 166.02 of the Revised Code for the purpose of administering this division.~~

~~(D)~~ The department of development, in the administration of the facilities establishment fund, is encouraged to utilize and promote the utilization of, to the maximum practicable extent, the other existing programs, business incentives, and tax incentives that department is required or authorized to administer or supervise.

Sec. 166.032. (A) There is hereby created in the state treasury the scrap tire loans and grants fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. Moneys shall be used exclusively for eligible projects that recover, use, or recycle energy from scrap tires, as "scrap tires" is defined in section 3734.01 of the Revised Code, or for eligible projects that remove scrap tires from being disposed of as solid waste under Chapter 3734. of the Revised Code, for any of the following purposes:

(1) Making loans under this chapter;

(2) Making grants;

(3) Providing other incentives, including, without limitation, entering into contracts with private entities to conduct environmental studies or tests for eligible projects that propose to recover energy from scrap tires.

(B) The director of development shall adopt rules under division (B)(9) of section 166.02 of the Revised Code for the purpose of administering this section.

Sec. 166.05. (A) In determining the projects to be assisted and the nature, amount, and terms of assistance to be provided for an eligible project under this chapter:

(1) Except as otherwise provided in division (A)(3) of this section, the director of development shall take into consideration all of the following:

(a) The number of jobs to be created or preserved, directly or indirectly;

(b) Payrolls, and the taxes generated, at both state and local levels, by the eligible project and by the employment created or preserved by the eligible project;

(c) The size, nature, and cost of the eligible project, including the prospect of the project for providing long-term jobs in enterprises consistent with the changing economics of the state and the nation;

(d) The needs, and degree of needs, of the area in which the eligible project is to be located;

(e) The needs of any private sector enterprise to be assisted;

(f) The competitive effect of the assistance on other enterprises providing jobs for people of the state;

(g) The amount and kind of assistance, if any, to be provided to the private sector enterprise by other governmental agencies through tax exemption or abatement, financing assistance with industrial development bonds, and otherwise, with respect to the eligible project;

(h) The impact of the eligible project and its operations on local government services, including school services, and on public facilities;

(i) The effect of the assistance on the loss of or damage to or destruction of prime farmland, or the removal from agricultural production of prime farmland. As used in this section, "prime farmland" means agricultural land that meets the criteria for this classification as defined by the United States soil conservation service.

(j) The length of time the operator of the project has been operating facilities within the state;

(k) The reservation of financial assistance made by the general assembly for small business concerns.

(2) The benefits to the local area, including taxes, jobs, and reduced unemployment and reduced welfare costs, among others, may be accorded value in the leasing or sales of project facilities and in loan and guarantee arrangements.

~~(3) For the purpose of making the determination required under division (A) of this section for loans, grants, or other incentives for eligible projects under division (C) of section 166.03 of the Revised Code, the director may consider factors different from and in lieu of those established in divisions~~

~~(A)(1)(a) to (k) of this section as provided in rules adopted pursuant to division (C) of section 166.03 of the Revised Code.~~

(B) Prior to granting final approval of the assistance to be provided, the director shall determine that the benefits to be derived by the state and local area from the establishment or development, and operation, of the eligible project will exceed the cost of providing such assistance and, except as provided in division (C)(2) of this section, shall submit to the development financing advisory council and to the controlling board a copy of that determination including the basis for the determination.

(C)(1) Except as provided in division (C)(2) of this section, prior to the submission provided for in division (B) of this section to the controlling board, the director shall submit to the development financing advisory council data pertinent to the considerations set forth in division (A) of this section, the terms of the proposed assistance, and such other relevant information as the development financing advisory council may request.

(2) The director is not required to submit any determination, data, terms, or other application materials or information to the development financing advisory council when provision of the assistance has been recommended to the director by a regional economic development entity.

(D) The development financing advisory council, on the basis of such data, shall make recommendations as to the appropriateness of the assistance to be provided. The recommendations may be revised to reflect any changes in the proposed assistance as the director may submit to the council. The recommendations, as amended, of the council as to the appropriateness of the proposed assistance shall be submitted to the controlling board.

(E) Financial statements and other data submitted to the director of development, the development financing advisory council, or the controlling board by any private sector person in connection with financial assistance under this chapter, or any information taken from such statements or data for any purpose, shall not be open to public inspection. The development financing advisory council in considering confidential information in connection with financial assistance under this chapter may, only for consideration of the confidential information referred to, and in the manner provided in division (E) of section 121.22 of the Revised Code, close the meeting during such consideration.

Sec. 169.02. Subject to division (B) of section 169.01 of the Revised Code, the following constitute unclaimed funds:

(A) Except as provided in division (R) of this section, any demand, savings, or matured time deposit account, or matured certificate of deposit, together with any interest or dividend on it, less any lawful claims, that is

held or owed by a holder which is a financial organization, unclaimed for a period of five years;

(B) Any funds paid toward the purchase of withdrawable shares or other interest in a financial organization, and any interest or dividends on them, less any lawful claims, that is held or owed by a holder which is a financial organization, unclaimed for a period of five years;

(C) Except as provided in division (A) of section 3903.45 of the Revised Code, moneys held or owed by a holder, including a fraternal association, providing life insurance, including annuity or endowment coverage, unclaimed for ~~five~~ three years after becoming payable as established from the records of such holder under any life or endowment insurance policy or annuity contract that has matured or terminated. An insurance policy, the proceeds of which are payable on the death of the insured, not matured by proof of death of the insured is deemed matured and the proceeds payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based.

Moneys otherwise payable according to the records of such holder are deemed payable although the policy or contract has not been surrendered as required.

(D) Any deposit made to secure payment or any sum paid in advance for utility services of a public utility and any amount refundable from rates or charges collected by a public utility for utility services held or owed by a holder, less any lawful claims, that has remained unclaimed for ~~five years~~ one year after the termination of the services for which the deposit or advance payment was made or ~~five years~~ one year from the date the refund was payable, whichever is earlier;

(E) Except as provided in division (R) of this section, any certificates, securities as defined in section 1707.01 of the Revised Code, nonwithdrawable shares, other instruments evidencing ownership, or rights to them or funds paid toward the purchase of them, or any dividend, capital credit, profit, distribution, interest, or payment on principal or other sum, held or owed by a holder, including funds deposited with a fiscal agent or fiduciary for payment of them, ~~unclaimed for five years, except, in the case of~~ and instruments representing an ownership interest, unclaimed for ~~seven~~ five years. Any underlying share or other intangible instrument representing an ownership INTEREST in a business ASSOCIATION, in which the issuer has recorded on its books the issuance of the share but has been unable to deliver the certificate to the shareholder, constitutes unclaimed funds if such underlying share is unclaimed for five years. In ADDITION, an underlying share constitutes unclaimed funds if a dividend, distribution, or other sum

payable as a result of the underlying share has remained unclaimed by the owner for five years.

This division shall not prejudice the rights of fiscal agents or fiduciaries for payment to return the items described in this division to their principals, according to the terms of an agency or fiduciary agreement, but such a return shall constitute the principal as the holder of the items and shall not interrupt the period for computing the time for which the items have remained unclaimed.

In the case of any such funds accruing and held or owed by a corporation under division (E) of section 1701.24 of the Revised Code, such corporation shall comply with this chapter, subject to the limitation contained in section 1701.34 of the Revised Code. The period of time for which such funds have gone unclaimed specified in section 1701.34 of the Revised Code shall be computed, with respect to dividends or distributions, commencing as of the dates when such dividends or distributions would have been payable to the shareholder had such shareholder surrendered the certificates for cancellation and exchange by the date specified in the order relating to them.

Capital credits of a cooperative which after January 1, 1972, have been allocated to members and which by agreement are expressly required to be paid if claimed after death of the owner are deemed payable, for the purpose of this chapter, fifteen years after either the termination of service by the cooperative to the owner or upon the nonactivity as provided in division (B) of section 169.01 of the Revised Code, whichever occurs later, provided that this provision does not apply if the payment is not mandatory.

(F) Any sum payable on certified checks or other written instruments certified or issued and representing funds held or owed by a holder, less any lawful claims, that are unclaimed for five years, ~~except, in the case of money orders which are not third party bank checks, that are unclaimed for seven years,~~ and ~~in the case of~~ traveler's checks~~,~~ that are unclaimed for fifteen years~~,~~ from the date payable, or from the date of issuance if payable on demand.

As used in this division, "written instruments" include, but are not limited to, certified checks, cashier's checks, bills of exchange, letters of credit, drafts, money orders, and traveler's checks.

If there is no address of record for the owner or other person entitled to the funds, such address is presumed to be the address where the instrument was certified or issued.

(G) Except as provided in division (R) of this section, all moneys, rights to moneys, or other intangible property, arising out of the business of

engaging in the purchase or sale of securities, or otherwise dealing in intangibles, less any lawful claims, that are held or owed by a holder and are unclaimed for five years from the date of transaction.

(H) Except as provided in division (A) of section 3903.45 of the Revised Code, all moneys, rights to moneys, and other intangible property distributable in the course of dissolution or liquidation of a holder that are unclaimed for one year after the date set by the holder for distribution;

(I) All moneys, rights to moneys, or other intangible property removed from a safe-deposit box or other safekeeping repository located in this state or removed from a safe-deposit box or other safekeeping repository of a holder, on which the lease or rental period has expired, or any amount arising from the sale of such property, less any lawful claims, that are unclaimed for ~~five~~ three years from the date on which the lease or rental period expired;

(J) Subject to division (M)(2) of this section, all moneys, rights to moneys, or other intangible property, and any income or increment on them, held or owed by a holder which is a fiduciary for the benefit of another, or a fiduciary or custodian of a qualified retirement plan or individual retirement arrangement under section 401 or 408 of the Internal Revenue Code, unclaimed for ~~five~~ three years after the final date for distribution;

(K) All moneys, rights to moneys, or other intangible property held or owed in this state or held for or owed to an owner whose last known address is within this state, by the United States government or any state, as those terms are described in division (E) of section 169.01 of the Revised Code, unclaimed by the owner for ~~five~~ three years, excluding any property in the control of any court in a proceeding in which a final adjudication has not been made;

(L) Amounts payable pursuant to the terms of any policy of insurance, other than life insurance, or any refund available under such a policy, held or owed by any holder, unclaimed for ~~five~~ three years from the date payable or distributable;

(M)(1) Subject to division (M)(2) of this section, any funds constituting rents or lease payments due, any deposit made to secure payment of rents or leases, or any sum paid in advance for rents, leases, possible damage to property, unused services, performance requirements, or any other purpose, held or owed by a holder unclaimed for ~~five years~~ one year;

(2) Any escrow funds, security deposits, or other moneys that are received by a licensed broker in a fiduciary capacity and that, pursuant to division (A)(26) of section 4735.18 of the Revised Code, are required to be deposited into and maintained in a special or trust, noninterest-bearing bank

account separate and distinct from any personal or other account of the licensed broker, held or owed by the licensed broker unclaimed for two years.

(N) Any sum payable as wages, salaries, or commissions, any sum payable for services rendered, funds owed or held as royalties, oil and mineral proceeds, funds held for or owed to suppliers, and moneys owed under pension and profit-sharing plans, ~~and all other credits,~~ held or owed by any holder unclaimed for one year from date payable or distributable, and all other credits held or owed by any holder unclaimed for three years from date payable or distributable;

(O) Amounts held in respect of or represented by lay-aways sold after January 1, 1972, less any lawful claims, when such lay-aways are unclaimed for three years after the sale of them;

(P) All moneys, rights to moneys, and other intangible property not otherwise constituted as unclaimed funds by this section, including any income or increment on them, less any lawful claims, which are held or owed by any holder, other than a holder which holds a permit issued pursuant to Chapter 3769. of the Revised Code, and which have remained unclaimed for ~~five~~ three years after becoming payable or distributable;

(Q) All moneys that arise out of a sale held pursuant to section 5322.03 of the Revised Code, that are held by a holder for delivery on demand to the appropriate person pursuant to division (I) of that section, and that are unclaimed for two years after the date of the sale.

(R)(1) Any funds that are subject to an agreement between the holder and owner providing for automatic reinvestment and that constitute dividends, distributions, or other sums held or owed by a holder in connection with a security ~~or intangible property, or with any other routine or periodic payment related to a certificate of deposit, unclaimed for a period of five years; provided that if the funds are held or owed by a holder in connection with a security or intangible property, the security or intangible property represents~~ as defined in section 1707.01 of the Revised Code, an ownership interest in an investment company registered under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate of deposit, unclaimed for a period of five years.

(2) The five-year period under division (R)(1) of this section commences from the date a second shareholder notification or communication mailing to the owner of the funds is returned to the holder as undeliverable by the United States postal service or other carrier. The notification or communication mailing by the holder shall be no less frequent than quarterly.

~~(3) As used in division (R)(1) of this section, "security" has the same meaning as in section 1707.01 of the Revised Code.~~

All moneys in a personal allowance account, as defined by rules adopted by the department of human services, up to and including the maximum resource limitation, of a medicaid patient who has died after receiving care in a long-term care facility, and for whom there is no identifiable heir or sponsor, are not subject to this chapter.

Sec. 169.03. (A)(1) Every holder of unclaimed funds and, when requested, every person which could be the holder of unclaimed funds, under this chapter shall report to the director of commerce with respect to the unclaimed funds as provided in this section. The report shall be verified.

(2) With respect to items of unclaimed funds each having a value of ~~ten~~ fifty dollars or more, the report required under division (A)(1) of this section shall include:

(a) The full name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of unclaimed funds under this chapter;

(b) In the case of unclaimed funds reported by holders providing life insurance coverage, the full name of the insured or annuitant and beneficiary, if any, and their last known addresses according to such holder's records;

(c) The nature and identifying number, if any, or description of the funds and the amount appearing from the records to be due;

(d) The date when the funds became payable, demandable, or returnable and the date of the last transaction with the owner with respect to the funds ~~except with respect to each item of unclaimed funds having a value of less than twenty-five dollars~~;

(e) Subject to division (I) of this section, the social security number of the owner of the unclaimed funds, if it is available;

(f) Other information which the director prescribes as necessary for the administration of this chapter.

(3) With respect to items of unclaimed funds each having a value of less than ~~ten~~ fifty dollars, the report required under division (A)(1) of this section shall include:

(a) Each category of items of unclaimed funds as described in section 169.02 of the Revised Code;

(b) The number of items of unclaimed funds within each category;

(c) The aggregated value of the items of unclaimed funds within each category.

(B) If the holder of unclaimed funds is a successor to other

organizations that previously held the funds for the owner, or if the holder has changed its name while holding the funds, it shall file with the report all prior known names and addresses and date and state of incorporation or formation of each holder of the funds.

(C) The report shall be filed before the first day of November of each year as of the preceding thirtieth day of June, but the report of holders providing life insurance coverage shall be filed before the first day of May of each year as of the preceding thirty-first day of December. The director may postpone, for good cause shown, the reporting date upon written request by any holder required to file a report.

(D) The holder of unclaimed funds under this chapter shall send notice to each owner of each item of unclaimed funds having a value of ~~twenty-five~~ fifty dollars or more at the last known address of the owner as shown by the records of the holder before filing the annual report. In case of holders providing life insurance coverage, such notice shall also be mailed to each beneficiary at the last known address of such beneficiary as shown by the records of such holder, except that such notice to beneficiaries shall not be mailed if such address is the same as that of the insured and the surname of the beneficiary is the same as that of the insured. The holder shall not report an item of unclaimed funds earlier than the thirtieth day after the mailing of notice required by this division.

Such notice shall set forth the nature and identifying number, if any, or description of the funds and the amount appearing on the records of the holder to be due the owner, and shall inform the owner that the funds will, thirty days after the mailing of such notice, be reported as unclaimed funds under this chapter. A self-addressed, stamped envelope shall be included with the notice, with instructions that the owner may use such envelope to inform the holder of the owner's continued interest in the funds and, if so informed before the date for making the report to the director, the holder shall not report said funds to the director. The notice shall be mailed by first class mail. If there is no address of record for the owner or other person entitled to the unclaimed funds, the holder is relieved of any responsibility of sending notice, attempting to notify, or notifying the owner. The mailing of notice pursuant to this section shall discharge the holder from any further responsibility to give notice.

(E) Verification of the report and of the mailing of notice, where required, shall be executed by an officer of the reporting holder.

(F)(1) The director may at reasonable times and upon reasonable notice examine or cause to be examined, by auditors of supervisory departments or divisions of the state, the records of any holder to determine compliance

with this chapter. ~~The~~

(2) Holders shall retain records, designated by the director as APPLICABLE to unclaimed funds, for five years beyond the relevant time period provided in section 169.02 of the Revised Code, or until completion of an audit conducted pursuant to division (F) of this section, WHICHEVER occurs first. An audit conducted pursuant to division (F) of this section shall not require a holder to make records available for a period of time exceeding the records retention period set forth in division (F) of this section, except for records pertaining to instruments evidencing ownership, or rights to them or funds paid toward the purchase of them, or any dividend, capital credit, profit, distribution, interest, or payment on principal or other sum, held or owed by a holder, including funds deposited with a fiscal agent or fiduciary for payment of them, or pertaining to debt of a publicly traded corporation. Any holder that is audited pursuant to division (F) of this section shall only be required to make available those records that are relevant to an unclaimed funds audit of that holder as prescribed by the director.

(3) The director may enter into contracts, pursuant to procedures prescribed by the director, with persons for the sole purpose of examining the records of holders, determining compliance with this chapter, and collecting, taking possession of, and remitting to the department's division of unclaimed funds, in a timely manner, the amounts found and defined as unclaimed. ~~Holders shall retain records, designated by the~~ The director ~~as applicable to unclaimed funds, for five years beyond the relevant time period provided in section 169.02 of the Revised Code, or until completion of an audit conducted pursuant to this division, whichever occurs first~~ shall not enter into such a contract with a person unless the person does all of the following:

(a) Agrees to maintain the confidentiality of the records examined, as required under division (F)(4) of this section;

(b) Agrees to conduct the audit in accordance with rules adopted under section 169.09 of the Revised Code;

(c) Obtains a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The bond shall be in favor of the director and in the penal sum determined by the director. The bond shall be for the benefit of any holder of unclaimed funds that is audited by the principal and is injured by the principal's failure to comply with division (F)(3)(a) or (b) of this section.

(4) Records audited pursuant to ~~this~~ division (F) of this section are confidential, and shall not be disclosed except as required by section 169.06

of the Revised Code or as the director considers necessary in the proper administration of this chapter.

(5) If a person with whom the director has entered into a contract pursuant to division (F)(3) of this section intends to conduct, in conjunction with an unclaimed funds audit under this section, an unclaimed funds audit for the purpose of administering another state's unclaimed or abandoned property laws, the person, prior to commencing the audit, shall provide written notice to the director of the person's intent to conduct such an audit, along with documentation evidencing the person's express authorization from the other state to conduct the audit on behalf of that state.

(6) Prior to the commencement of an audit conducted pursuant to division (F) of this section, the director shall notify the holder of unclaimed funds of the director's intent to audit the holder's records. If the audit will be conducted in conjunction with an audit for one or more other states, the director shall provide the holder with the name or names of those states.

(7) Any holder of unclaimed funds may appeal the findings of an audit conducted pursuant to division (F) of this section to the DIRECTOR. Pursuant to the authority granted by section 169.09 of the Revised Code, the director shall adopt rules establishing procedures for considering such an appeal.

(G) All holders shall make sufficient investigation of their records to ensure that the funds reported to the director are unclaimed as set forth in division (B) of section 169.01 and section 169.02 of the Revised Code.

(H) The expiration of any period of limitations on or after March 1, 1968, within which a person entitled to any moneys, rights to moneys, or intangible property could have commenced an action or proceeding to obtain the same shall not prevent such items from becoming unclaimed funds or relieve the holder thereof of any duty to report and give notice as provided in this section and deliver the same in the manner provided in section 169.05 of the Revised Code, provided that the holder may comply with the provisions of this section and section 169.05 of the Revised Code with respect to any moneys, rights to moneys, or intangible property as to which the applicable statute of limitations has run prior to March 1, 1968, and in such event the holder shall be entitled to the protective provisions of section 169.07 of the Revised Code.

(I) No social security number contained in a report made pursuant to this section shall be used by the department of commerce for any purpose other than to enable the division of unclaimed funds to carry out the purposes of this chapter and for child support purposes in response to a request made by the division of child support in the department of human

services made pursuant to section 5101.327 of the Revised Code.

Sec. 169.09. The director of commerce shall make, in accordance with Chapter 119. of the Revised Code, necessary rules that prescribe uniform methods for conducting unclaimed funds audits under section 169.03 of the Revised Code and for determining when such an audit is appropriate, and may make necessary rules to carry out ~~the duties~~ any other duty imposed upon ~~him~~ the director by ~~Chapter 169. of the Revised Code~~ this chapter.

Sec. 173.011. (A) When administering funds granted under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended, the department of aging may divide the state into separate multi-county regions that shall be known as planning and service areas. If the department divides the state into those areas, then, consistent with the rules adopted under division (C)(1) of this section, it shall designate one public entity or one private nonprofit entity as each area's agency on aging. That agency shall administer programs on behalf of the department under the Older Americans Act of 1965 within its planning and service area.

(B) Consistent with the rules adopted under division (C)(2) of this section and following an adjudication hearing conducted in accordance with Chapter 119. of the Revised Code, the department may issue an adjudication order that withdraws or provisionally maintains the designation of an entity as an agency on aging.

(C) The department shall adopt rules under Chapter 119. of the Revised Code that do both of the following:

(1) Establish criteria to be used for designating an agency on aging;

(2) Provide procedures and grounds for withdrawing or provisionally maintaining the designation of an entity as an agency on aging of a planning and service area.

Sec. 173.35. (A) As used in this section, "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

(B) The department of aging shall administer the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

~~(B) To~~ (C) For an individual to be eligible for residential state

ent payments, ~~an~~ all of the following must be the case:

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:

~~(1)~~(a) An adult foster home certified under section 173.36 of the Revised Code;

~~(2)~~(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code;

~~(3)~~(c) A community alternative home licensed under section 3724.03 of the Revised Code;

~~(4)~~(d) A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health;

~~(5)~~(e) An apartment or room used to provide community mental health housing services certified by the department of mental health under division (M) of section 5119.61 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(13) of section 340.03 of the Revised Code.

~~(C)~~(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental security income payments or social security disability insurance benefits because of a mental disability, the PASSPORT administrative agency shall refer the individual to a community mental health agency for the community mental health agency to issue in accordance with section 340.091 of the Revised Code a recommendation on whether the PASSPORT administrative agency should determine that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. Division (C)(2) of this section does not apply to an individual receiving residential state supplement payments on June 30, 2000, until the individual's first eligibility redetermination after that date.

(3) The individual satisfies all eligibility requirements established by rules adopted under division (D) of this section.

(D) The departments of aging and human services shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement the residential state supplement program.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the department of human services shall adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount

appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The department of human services also shall adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division ~~(B)~~(C)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. Notwithstanding division ~~(A)~~(B) of this section, such payments may be made if funds are available for them.

The department of aging shall adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program shall be a factor included in the method that department establishes.

~~(D)~~(E) The county department of human services of the county in which an applicant for the residential state supplement program resides shall determine whether the applicant meets income and resource requirements for the program.

~~(E)~~(F) The department of aging shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section are insufficient to make payments to all eligible individuals. ~~That~~ An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (C)(1) of this section at the time of application. The department of aging, by rules adopted in accordance with Chapter 119. of the Revised Code, shall specify procedures and requirements for placing an individual on the waiting list. Individuals on the waiting list who reside in a community setting not required to be licensed or certified shall have their eligibility for the payments assessed before other individuals on the waiting list.

~~(F)~~(G) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of ~~his~~ the individual's living arrangement as long as ~~he~~ the individual remains in the living arrangement in which ~~he~~ the individual resided on November 15, 1990.

~~(C)~~(H) The department of aging shall notify each person denied approval for payments under this section of ~~his~~ the person's right to a hearing. On request, the hearing shall be provided by the department of human services in accordance with section 5101.35 of the Revised Code.

Sec. 173.401. Effective July 1, 2002, and the first day of each July thereafter, the department of aging shall adjust the rate it reimburses providers of homemaker services, personal care services, and adult day care services under the PASSPORT program by the percentage increase in the gross domestic product deflator for the preceding calendar year as determined by the bureau of economic analysis of the United States department of commerce. The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 175.26. Neither the department of development nor the Ohio housing finance agency shall make a grant, loan, loan guarantee, or loan subsidy from the low- and moderate-income housing trust fund without first obtaining the approval of the controlling board.

Sec. 181.52. (A) There is hereby created an office of criminal justice services. The governor shall appoint a director of the office, and the director may appoint, within the office, any professional and technical personnel and other employees that are necessary to enable the office to comply with sections 181.51 to 181.56 of the Revised Code. The director and the assistant director of the office, and all professional and technical personnel employed within the office who are not public employees as defined in section 4117.01 of the Revised Code, shall be in the unclassified civil service, and all other persons employed within the office shall be in the classified civil service. The director may enter into any contracts, except contracts governed by Chapter 4117. of the Revised Code, that are necessary for the operation of the office.

(B) Subject to division (D) of this section and subject to divisions (D) to (F) of section 5120.09 of the Revised Code insofar as those divisions relate to federal criminal justice acts that the governor requires the department of rehabilitation and correction to administer, the office of criminal justice services shall do all of the following:

(1) Serve as the state criminal justice services agency and perform criminal and juvenile justice system planning in the state, including any planning that is required by any federal law;

(2) Collect, analyze, and correlate information and data concerning the criminal and juvenile justice systems in the state;

(3) Cooperate with and provide technical assistance to state

s, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal and juvenile justice systems in the state, and other appropriate organizations and persons;

(4) Encourage and assist agencies, offices, and departments of the criminal and juvenile justice systems in the state and other appropriate organizations and persons to solve problems that relate to the duties of the office;

(5) Administer within the state any federal criminal justice acts or juvenile justice acts that the governor requires it to administer;

(6) Implement the state comprehensive plans;

(7) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the office;

(8) Monitor or evaluate the performance of criminal and juvenile justice systems projects and programs in the state that are financed in whole or in part by funds granted through the office;

(9) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts or juvenile justice acts, or made available from other federal, state, or private sources, to improve the criminal and juvenile justice systems in the state~~;~~. All money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the fund shall be credited to the fund.

(10) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office;

(11) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;

(12) Advise the general assembly and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;

(13) Prepare and recommend legislation to the general assembly and governor for the improvement of the criminal and juvenile justice systems in the state;

(14) Assist, advise, and make any reports that are requested or required by the governor, attorney general, or general assembly;

(15) Adopt rules pursuant to Chapter 119. of the Revised Code.

(C) Division (B) of this section does not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.

(D) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency.

Sec. 307.851. (A) Notwithstanding anything to the contrary in the Revised Code, a board of county commissioners of a county that has enacted a tax levy under section 5705.191 of the Revised Code ~~may~~, in addition to exercising the other powers granted to a board of county commissioners, may enter into a contract with any corporation or association, whether the corporation or association is for profit or nonprofit, for that corporation or association to provide the services described in this section and for the county to pay for those contracted services with the proceeds of that tax levy, ~~provided that~~ if the proceeds from ~~the~~ that tax levy are used only for the purpose or purposes for which the tax was levied. Services for which a contract may be entered into under this section are ~~alcohol, drug addiction, and mental health services; services for the mentally retarded or developmentally disabled; and public~~ any or all health and human services or social services provided to the residents of the county.

(B) Before entering into a contract as provided in division (A) of this section, the board of county commissioners ~~shall~~ first shall notify, in writing, the ~~alcohol, drug addiction, and mental health services board; the board of mental retardation and developmental disabilities; or the board of the health district or combined general health district of that county~~ particular county agency, board, department, or other entity that is required to provide, oversee, or acquire related mandated or essential services, as appropriate for the ~~service~~ services to be provided under the contract, of the ~~board's~~ board of county commissioner's intention to enter into a contract with a corporation or association to provide ~~a particular service~~ the health and human services or social services to the residents of the county. The notice shall ~~delineate~~ identify the particular ~~service~~ services to be so provided, identify the corporation or association with which the board proposes to contract, and indicate the amount proposed to be paid to the corporation or association for performing those services. The notified agency, board, department, or other entity has thirty days in which to inform the board of county commissioners of its intention to provide ~~that service~~ the services itself or authorize the board of county commissioners to contract with the proposed corporation or association to provide the ~~service~~ services. If the board of county commissioners receives no response from a notified agency, board, department, or other entity within the thirty-day

period, the notified agency, board, department, or other entity shall be deemed to have authorized the proposed contract. Once the contract is authorized by each notified agency, board, department, or other entity, the board of county commissioners may enter into a contract with the corporation or association, as proposed.

(C) In addition to any other terms that the board of county commissioners finds appropriate, any agreement entered into under division (A) of this section shall provide all the following:

(1) That the corporation or association shall keep current and accurate accounts of its use of the moneys it receives from the county;

(2) That the corporation or association ~~shall~~, at least annually, shall have an audit performed in accordance with rules adopted by the auditor of state under section 117.20 of the Revised Code, of any services ~~or programs~~ it has performed with county moneys. A copy of the fiscal audit report shall be provided to the board of county commissioners, the county auditor, and the auditor of state.

(3) That the corporation or association is liable to repay to the county any county moneys it receives that are improperly used;

(4) That the corporation or association shall repay to the board of county commissioners all county moneys remaining unused at the end of the fiscal year or other accounting period for which the board paid the moneys, except that, when the recipient is to receive county moneys in the next succeeding fiscal year or other accounting period following the fiscal year or other accounting period for which the board paid the moneys, the recipient need not repay the county moneys remaining unused;

(5) That the corporation or association shall provide the board of county commissioners annually a summary of the ~~program or~~ service activities it has performed with county moneys.

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of fifteen thousand dollars, except as otherwise provided in division (D) of section 713.23 and in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required

when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and ~~such~~ that determination and the reasons ~~therefor~~ for it are entered in the minutes of the proceedings of the board, when either of the following applies:

(1) The estimated cost is less than fifty thousand dollars~~; or~~.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than fifty thousand dollars, but the estimated cost is fifteen thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited, for no less than one year after the contract is awarded.

(B) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for ~~such~~ the supplies, part, or parts is limited to a single supplier.

(C) The purchase is from the federal government, the state, another county or contracting authority ~~thereof,~~ of another county, or a board of education, township, or municipal corporation.

(D) Public social services are purchased for provision by the county department of human services under section 329.04 of the Revised Code or program services, such as direct and ancillary client services, child day-care, case management services, residential services, and family resource services, are purchased for provision by a county board of mental retardation and developmental disabilities under section 5126.05 of the Revised Code.

(E) The purchase consists of human and social services by the board of county commissioners from nonprofit corporations or associations under programs ~~which~~ that are funded entirely by the federal government.

(F) The purchase consists of any form of an insurance policy or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, or plans that the contracting authority is authorized to purchase, and the contracting

authority does all of the following:

(1) Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of such purchase;

(2) Employs a competent consultant to assist the contracting authority in procuring appropriate coverages at the best and lowest prices;

(3) Requests issuers of such policies, contracts, or plans to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of such policies, contracts, or plans as the contracting authority desires to purchase;

(4) Negotiates with such issuers for the purpose of purchasing such policies, contracts, or plans at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child day-care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property~~;~~.

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property~~;~~.

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code~~;~~.

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that

provide case management, treatment, or prevention services to any felony or misdemeanant delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, ~~such services as~~ community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of social services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective contractor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority such name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting such proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of such action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and renegotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract.

Any consultant employed pursuant to division (F) of this section and any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

Sec. 307.98. Each board of county commissioners shall enter into a written partnership agreement with the director of human services in accordance with section 5101.21 of the Revised Code. Prior to entering into or substantially amending the agreement, the board shall conduct a public hearing and consult with the county human services planning committee established under section 329.06 of the Revised Code. Through the hearing and consultation, the board shall obtain comments and recommendations concerning what would be the county's obligations and responsibilities under the agreement or amendment. As evidence that the board consulted with the county human services planning committee, the committee's chair

shall sign a letter confirming that the consultation occurred, which shall be attached to the partnership agreement and any substantial amendments to the agreement.

Sec. 311.01. (A) A sheriff shall be elected quadrennially in each county. A sheriff shall hold office for a term of four years, beginning on the first Monday of January next after the sheriff's election.

(B) ~~On and after January 1, 1988, except~~ Except as otherwise provided in this section, no person is eligible to be a candidate for sheriff, and no person shall be elected or appointed to the office of sheriff, unless that person meets all of the following requirements:

(1) The person is a citizen of the United States~~;~~.

(2) The person has been a resident of the county in which the person is a candidate for or is appointed to the office of sheriff for at least one year immediately prior to the qualification date~~;~~.

(3) The person has the qualifications of an elector as specified in section 3503.01 of the Revised Code and has complied with all applicable election laws~~;~~.

(4) The person has been awarded a high school diploma or a certificate of high school equivalence issued for achievement of specified minimum scores on the general educational development test of the American council on education~~;~~.

(5) The person has not been convicted of or pleaded guilty to a felony or any offense involving moral turpitude under the laws of this or any other state or the United States, and has not been convicted of or pleaded guilty to an offense that is a misdemeanor of the first degree under the laws of this state or an offense under the laws of any other state or the United States that carries a penalty that is substantially equivalent to the penalty for a misdemeanor of the first degree under the laws of this state~~;~~.

(6) The person has been fingerprinted and has been the subject of a search of local, state, and national fingerprint files to disclose any criminal record. Such fingerprints shall be taken under the direction of the administrative judge of the court of common pleas who, prior to the applicable qualification date, shall notify the board of elections, board of county commissioners, or county central committee of the proper political party, as applicable, of the judge's findings.

(7) The person has prepared a complete history of the person's places of residence for a period of six years immediately preceding the qualification date and a complete history of the person's places of employment for a period of six years immediately preceding the qualification date, indicating the name and address of each employer and the period of time employed by

that employer. The residence and employment histories shall be filed with the administrative judge of the court of common pleas of the county, who shall forward them with the findings under division (B)(6) of this section to the appropriate board of elections, board of county commissioners, or county central committee of the proper political party prior to the applicable qualification date.

(8) The person meets at least one of the following conditions:

(a) Has obtained or held, within the four-year period ending immediately prior to the qualification date, a valid basic peace officer certificate of training issued by the Ohio peace officer training ~~council~~ commission or has been issued a certificate of training pursuant to section 5503.05 of the Revised Code, and, within the four-year period ending immediately prior to the qualification date, has been employed as an appointee pursuant to section 5503.01 of the Revised Code or as a full-time peace officer as defined in section 109.71 of the Revised Code performing duties related to the enforcement of statutes, ordinances, or codes;

(b) Has obtained or held, within the three-year period ending immediately prior to the qualification date, a valid basic peace officer certificate of training issued by the Ohio peace officer training ~~council~~ commission and has been employed for at least the last ~~five~~ three years prior to the qualification date as a full-time law enforcement officer, as defined in division ~~(K)~~(A)(11) of section 2901.01 of the Revised Code, performing duties related to the enforcement of statutes, ordinances, or codes.

(9) The person meets at least one of the following conditions:

(a) Has at least two years of supervisory experience as a peace officer at the rank of corporal or above, or has been appointed pursuant to section 5503.01 of the Revised Code and served at the rank of sergeant or above, in the five-year period ending immediately prior to the qualification date;

(b) Has completed satisfactorily at least two years of post-secondary education or the equivalent in semester or quarter hours in a college or university authorized to confer degrees by the Ohio board of regents or the comparable agency of another state in which the college or university is located.

(C) Persons who meet the requirements of division (B) of this section, except the requirement of division (B)(2) of this section, may take all actions otherwise necessary to comply with division (B) of this section. If, on the applicable qualification date, no person has met all the requirements of division (B) of this section, then persons who have complied with and meet the requirements of division (B) of this section, except the requirement of division (B)(2) of this section, shall be considered qualified candidates

under division (B) of this section.

(D) Newly elected sheriffs shall attend a basic training course conducted by the Ohio peace officer training ~~council~~ commission pursuant to division (A) of section 109.80 of the Revised Code. A newly elected sheriff shall complete not less than two weeks of this course before the first Monday in January next after the sheriff's election. While attending the basic training course, a newly elected sheriff may, with the approval of the board of county commissioners, receive compensation, paid for from funds established by the sheriff's county for this purpose, in the same manner and amounts as if carrying out the powers and duties of the office of sheriff.

Appointed sheriffs shall attend the first basic training course conducted by the Ohio peace officer training commission pursuant to division (A) of section 109.80 of the Revised Code within six months following the date of appointment or election to the office of sheriff. ~~commission commission~~ While attending the basic training course, appointed sheriffs shall receive regular compensation in the same manner and amounts as if carrying out their regular powers and duties.

Five days of instruction at the basic training course shall be considered equal to one week of work. The costs of conducting the basic training course and the costs of meals, lodging, and travel of appointed and newly elected sheriffs attending the course shall be paid from state funds appropriated to the commission for this purpose.

(E) ~~Beginning in the second calendar year of the term of appointed and newly elected sheriffs appointed or elected on or after January 1, 1988, and beginning in calendar year 1988 for other sheriffs, and in~~ In each calendar year ~~thereafter~~, each sheriff shall attend and successfully complete at least sixteen hours of continuing education approved under division (B) of section 109.80 of the Revised Code. A sheriff who receives a waiver of the continuing education requirement from the commission under division (C) of section 109.80 of the Revised Code because of medical disability or for other good cause shall complete the requirement at the earliest time after the disability or cause terminates.

(F)(1) Each person who is a candidate for election to or who is under consideration for appointment to the office of sheriff shall swear before the administrative judge of the court of common pleas as to the truth of any information the person provides to verify the person's qualifications for the office. A person who violates this requirement is guilty of falsification under section 2921.13 of the Revised Code.

(2) Each board of elections shall certify whether or not a candidate for the office of sheriff who has filed a declaration of candidacy, a statement of

candidacy, or a declaration of intent to be a write-in candidate meets the qualifications specified in divisions (B) and (C) of this section.

(G) The office of a sheriff who is required to comply with division (D) or (E) of this section and who fails to successfully complete the courses pursuant to those divisions is hereby deemed to be vacant.

(H) As used in this section:

(1) "Qualification date" means the last day on which a candidate for the office of sheriff can file a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office of sheriff; the last day on which a person may be appointed to fill a vacancy in a party nomination for the office of sheriff under Chapter 3513. of the Revised Code, in the case of a vacancy in the office of sheriff; or a date thirty days after the day on which a vacancy in the office of sheriff occurs, in the case of an appointment to such a vacancy under section 305.02 of the Revised Code.

(2) "Newly elected sheriff" means a person who did not hold the office of sheriff of a county on the date the person was elected sheriff of that county.

Sec. 329.023. Each county department of human services shall have hours of operation outside the county department's normal hours of operation during which the county department will accept from employed individuals applications for the programs administered by the county department and assist employed program recipients and participants with matters related to the programs.

Sec. 329.04. (A) The county department of human services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the department of human services regarding the provision of public social services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and known in this state as the Ohio works first program established by Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by sections 2301.34 to 2301.44 of the

Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(2) Administer disability assistance under Chapter 5115. of the Revised Code as required by the state department of human services;

(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(4) Cooperate with state and federal authorities in any matter relating to human services and to act as the agent of such authorities;

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the department of human services at the close of each fiscal year;

(6) Exercise any powers and duties relating to human services imposed upon the county department of human services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

(7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";

(8) If assigned by the director of human services under section 5101.515 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II;

(9) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.984, establish with the board procedures under section 307.985 for providing services to children whose families relocate frequently, and comply with the partnership agreement the board enters into under section 307.98 and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department.

(B) The powers and duties of a county department of human services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding human services. If the new power or duty necessitates the state department of human services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.041. In Each county in which there is a county transit board

established by section 306.01 of the Revised Code, a county transit system operated under that section, or a regional transit authority created under section 306.32 of the Revised Code, the county department of human services shall meet not less than once each calendar quarter with transit representatives of the board, system, or authority. The department and transit representatives shall Discuss the transportation needs of the county's Ohio works first participants, review existing efforts and Develop new options to meet those needs, AND Measure the accomplishments of those efforts.

Sec. 329.06. (A) Except as provided in division (C) of this section, the board of county commissioners shall establish a county human services planning committee. The board shall appoint a member to represent the county department of human services; an employee in the classified civil service of the county department of human services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the social services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

(1) Consumers of social services;

(2) The public children services agency;

(3) The child support enforcement agency;

(4) The county family and children first council;

(5) Public and private colleges and universities;

(6) Public entities that provide social services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;

(7) Private nonprofit and for-profit entities that provide social services in the county or that advocate for consumers of social services in the county, including entities that provide services to or advocate for victims of domestic violence;

(8) Labor organizations;

(9) Any other group or entity that has an interest in the social services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.

(B) The county human services planning committee shall do all of the following:

(1) Serve as an advisory body to the board of county commissioners with regard to the social services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;

(2) At least once a year, review and analyze the county department of human services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:

(a) Return of assistance groups to participation in either program after ceasing to participate;

(b) Teen pregnancy rates among the programs' participants;

(c) The other types of assistance the programs' participants receive, including medical assistance under Chapter 5111. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, food stamp benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;

(d) Other issues the committee considers appropriate.

The committee shall make recommendations to the board of county commissioners and county department of human services regarding the committee's findings.

(3) Provide comments and recommendations to the board prior to the board's entering into or substantially amending a partnership agreement with the director of human services under section 307.98 of the Revised Code;

~~(3)~~(4) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

~~(4)~~(5) At the request of the board, make recommendations and provide assistance regarding the social services provided in the county;

~~(5)~~(6) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the social services provided in the county. The committee's recommendations may address the following:

(a) Implementation and administration of social service programs;

(b) Use of federal, state, and local funds available for social service programs;

(c) Establishment of goals to be achieved by social service programs;

(d) Evaluation of the outcomes of social service programs;

(e) Any other matter the board considers relevant to the provision of social services.

(C) If there is a committee in existence in a county on ~~the effective date~~

~~of this amendment~~ October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county human services planning committee, the board may designate the committee as the county's human services planning committee and the committee shall serve in that capacity.

Sec. 329.07. As used in this section, "Ohio works first" and "Title IV-A" have the same meanings as in section 5107.02 of the Revised Code.

Each county department of human services shall have at least one Ohio works first ombudsperson. A county department may provide for an Ohio works first participant who resides in the county the county department serves and is qualified to perform the duties of an ombudsperson to be an ombudsperson. If no Ohio works first participant residing in the county the county department serves is qualified to perform the duties of an ombudsperson, the county department shall provide for one or more employees of the county department to be ombudspersons or contract with a person or government entity for the person or entity to perform the duties of an ombudsperson for the county department. To the extent permitted by federal law, the county department may use funds available under Title IV-A to provide for county department employees or a person or government entity under contract with the county department to perform the duties of an ombudsperson.

An Ohio works first ombudsperson shall help Ohio works first applicants and participants resolve complaints the applicants and participants have about the administration of Ohio works first and help participants contact caseworkers for the purpose of scheduling meetings under section 5107.161 of the Revised Code.

Sec. 329.12. (A) A county department of human services may establish an individual development account program for residents of the county. The program shall provide for establishment of accounts for participants and acceptance of contributions from ~~others~~ individuals and entities, including the county department, to be used as matching funds for deposit in the accounts.

(B) A county department shall select a fiduciary organization to administer its individual development account program. In selecting a fiduciary organization, the department shall consider all of the following regarding the organization:

(1) Its ability to market the program to potential participants and matching fund contributors;

(2) Its ability to invest money in the accounts in a way that provides for return with minimal risk of loss;

(3) Its overall administrative capacity, including the ability to verify eligibility of individuals for participation in the program, prevent unauthorized use of matching contributions, and enforce any penalties for unauthorized uses that may be provided for by rule adopted by the state department of human services under section 5101.971 of the Revised Code~~.~~;

(4) Its ability to provide financial counseling to participants;

(5) Its affiliation with other activities designed to increase the independence of individuals and families through postsecondary education, home ownership, and business development;

(6) Any other factor the county department considers appropriate.

(C) At the time it commences the program and on the first day of each subsequent program year, the county department may make a grant to the fiduciary organization to pay all or part of the administrative costs of the program.

(D) The county department shall require the fiduciary organization to collect and maintain information regarding the program, including all of the following:

(1) The number of accounts established;

(2) The amount deposited by each participant and the amount matched by contributions;

(3) The uses of funds withdrawn from the account, including the number of participants who used funds for postsecondary educational expenses and the institutions attended, the number of personal residences purchased, and the number of participants who used funds for business capitalization;

(4) The demographics of program participants;

(5) The number of participants who withdrew from the program and the reasons for withdrawal.

(E) The county department shall prepare and file with the state department of human services a semi-annual report containing the information the state department requires by rule adopted under section 5101.971 of the Revised Code, with the first report being filed at the end of the six-month period following ~~the effective date of this section~~ October 1, 1997.

Sec. 340.03. (A) Subject to rules issued by the director of mental health after consultation with relevant constituencies as required by division (A)(11) of section 5119.06 of the Revised Code, with regard to mental health services, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for the

county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for mental health programs and facilities;

(b) Assess the community mental health needs, set priorities, and develop plans for the operation of community mental health services and programs, and facilities for those services and programs, in cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations;

(c) In accordance with guidelines issued by the director of mental health after consultation with board representatives, develop and submit to the department of mental health, no later than six months prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, a community mental health plan listing community mental health needs, including the needs of all residents of the district now residing in state mental institutions and severely mentally disabled adults, children, and adolescents; all children subject to a determination made pursuant to section 121.38 of the Revised Code; and all mental health programs and facilities that are or will be in operation during the period for which the plan will be in operation in the service district to meet such needs.

The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to provide or purchase, an explanation of how the board intends to make any payments that it may be required to pay under section 5119.62 of the Revised Code, a statement of the inpatient and community-based services the board proposes that the department operate, an assessment of the number and types of residential facilities needed, and such other information as the department requests, and a budget for moneys the board expects to receive. The board shall also submit an allocation request for state and federal funds. Within sixty days after the department's determination that the plan and allocation request are complete, the department shall approve or disapprove the plan and request, in whole or in part, according to the criteria developed pursuant to section 5119.61 of the Revised Code. The department's statement of approval or disapproval shall specify the inpatient and the community-based services that the department will operate for the board. Eligibility for financial support shall be contingent upon an approved plan or relevant part of a plan.

If the director disapproves all or part of any plan, ~~he~~ the director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the plan may be approved. The director shall provide the board an opportunity to present its case on behalf of the plan. The director shall give the board a reasonable time in which to meet the criteria, and shall

offer the board technical assistance to help it meet the criteria.

If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

If a board determines that it is necessary to amend a plan or an allocation request that has been approved under division (A)(1)(c) of this section, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. If the director does not approve all or part of the amendment within thirty days after it is submitted, the amendment or part of it shall be considered to have been approved. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the department.

(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;

(e) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community mental health agency as defined in section 5122.01 of the Revised Code, or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) Review, evaluate, and conduct program audits for community mental health services, facilities, and agencies seeking federal, state, or board assistance, review licensure applications pursuant to section 5119.22

of the Revised Code, and determine if the services meet minimum standards established pursuant to division (G) of section 5119.01 of the Revised Code and submit its findings and recommendations to the department of mental health.;

(4) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs and services provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of mental health, the auditor of state, and the county auditor of each county in the board's district.

(5) Recruit and promote local financial support for mental health programs from private and public sources;

(6)(a) Enter into contracts with public and private agencies for the provision of mental health services and facilities. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a public or private agency, a board shall consider the cost effectiveness of services provided by that agency and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process shall be established as part of the contract for services entered into between a board and a public or private agency. The board may establish this process in a way which is most effective and efficient in meeting local needs. In the case of a contract with a community mental health facility described in division (B) of section 5111.022 of the Revised Code to provide services established by division (A) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of human services and mental health under division (E) of that section and any rules adopted under division (A) of section 5119.61 of the Revised Code.

If either the board or a community mental health agency with which it contracts for mental health services, programs, or facilities proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be

shared by the board and the agency. The third party shall issue to the board, the agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a mental health service, program, or facility as follows, if there is no other qualified private or public agency that is immediately available and willing to operate such service, program, or facility:

(i) In an emergency situation, any board may operate a mental health service, program, or facility in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a mental health service, program, or facility for no longer than one year;

(iii) In a service district with a population of less than one hundred thousand, a board may operate a mental health service, program, or facility for no longer than one year, except that such a board may operate a mental health service, program, or facility for more than one year with the prior approval of the director and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a mental health service, program, or facility under division (A)(6)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the service, program, or facility.

The director shall not give a board approval to operate a mental health service, program, or facility under division (A)(6)(b)(iii) of this section unless the director determines that the board's service, program, or facility will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public agency for provision of the services.

The director shall not give a board approval to operate a mental health service, program, or facility previously operated by a community mental health agency unless the board has established to the director's satisfaction that the agency cannot effectively provide the service, program, or facility, or that the agency has requested the board to take over operation of the service, program, or facility.

The director shall review and evaluate the operation of each mental health service, program, or facility operated by a board under division

(A)(6)(b) of this section.

Nothing in division (A)(6)(b) of this section authorizes a board to administer or direct the daily operation of any community mental health agency, but an agency may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the agency.

(7) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(8) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;

(9) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:

(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for clients to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;

(j) Grievance procedures and protection of the rights of consumers of mental health services;

(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.

(10) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. The board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health agency is available to provide the service.

(11) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any.

(12) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community mental health agency have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, including culturally relevant services, from a community mental health agency. This division does not apply to residential facilities licensed pursuant to section 5119.22 of the Revised Code.

(13) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district;

(14) Perform the duties under section 3722.18 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services

are effectively arranged for the individuals.

(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.

(D) No board member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of ~~his~~ the board member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section, section 340.033, or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a board member or employee of a board taken within the scope of the board member's official duties or employee's employment. For the purposes of this division, the conduct of a board member or employee shall not be considered willful or wanton misconduct if the board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

Sec. 340.05. A mental health agency that receives a complaint under section 3722.17 of the Revised Code alleging abuse or neglect of an individual with mental illness or severe mental disability who resides in an adult care facility shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the adult care facility is located. A board of alcohol, drug addiction, and mental health services that receives such a complaint or a report from a mental health agency of such a

complaint shall report the complaint to the director of health for the purpose of the director conducting an investigation under section 3722.17 of the Revised Code. The board may enter the adult care facility with or without the director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights under section 3722.12 of the Revised Code and rules adopted by the public health council under that chapter. The board shall immediately report to the director regarding the board's actions under this section.

Sec. 340.091. Each board of alcohol, drug addiction, and mental health services shall contract with a community mental health agency under division (A)(6)(a) of section 340.03 of the Revised Code for the agency to do all of the following in accordance with rules adopted under section 5119.61 of the Revised Code for an individual referred to the agency under division (C)(2) of section 173.35 of the Revised Code:

(A) Assess the individual to determine whether to recommend that a PASSPORT administrative agency determine that the environment in which the individual will be living while receiving residential state supplement payments is appropriate for the individual's needs and, if it determines the environment is appropriate, issue the recommendation to the PASSPORT administrative agency;

(B) Provide ongoing monitoring to ensure that services provided under section 340.09 of the Revised Code are available to the individual;

(C) Provide discharge planning to ensure the individual's earliest possible transition to a less restrictive environment.

Sec. 341.011. (A) If a person who was convicted of or pleaded guilty to an offense ~~of violence that is a felony~~ or was indicted or otherwise charged with the commission of an offense ~~of violence that is a felony~~ escapes from a county jail or workhouse or otherwise escapes from the custody of ~~the~~ A sheriff ~~of that county~~, the sheriff immediately after the escape shall ~~cause notice of~~ report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction over the place where the person escaped from custody, to the state highway patrol, to the department of rehabilitation and correction if the escaped person is a prisoner under the custody of the department who is in the jail or workhouse, to the prosecuting attorney of the county, and to ~~be published in~~ a newspaper of general circulation in the county. ~~The sheriff also immediately after the escape shall give notice of the escape by telephone and in writing to the prosecuting attorney of the county. Upon~~ The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement is a violation

of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the sheriff shall give notice of the apprehension of the escaped person by telephone and in writing to the ~~prosecuting attorney~~ persons notified under division (A) of this section.

Sec. 718.01. (A) As used in this chapter:

(1) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

(2) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

(3) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(4) "Intangible income" means income of any of the following types: income yield, interest, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code.

(B) No municipal corporation with respect to that income ~~which~~ that it may tax shall tax such income at other than a uniform rate.

(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least seventy-five days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?

FOR THE INCOME TAX

AGAINST THE INCOME TAX"

In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D)(1) Except as otherwise provided in division (D)(2) of this section, no municipal corporation shall exempt from a tax on income, compensation for personal services of individuals over eighteen years of age or the net profit from a business or profession.

(2) The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from a tax on income any compensation

arising from the grant, sale, exchange, or other disposition of a stock option; the exercise of a stock option; or the sale, exchange, or other disposition of stock purchased under a stock option.

(E) Nothing in this section shall prevent a municipal corporation from permitting lawful deductions as prescribed by ordinance. If a taxpayer's taxable income includes income against which the taxpayer has taken a deduction for federal income tax purposes as reportable on the taxpayer's form 2106, and against which a like deduction has not been allowed by the municipal corporation, the municipal corporation shall deduct from the taxpayer's taxable income an amount equal to the deduction shown on such form allowable against such income, to the extent not otherwise so allowed as a deduction by the municipal corporation. In the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, a greater amount than the net profit reported by the taxpayer on schedule C filed in reference to the year in question as taxable income from such sole proprietorship, except as otherwise specifically provided by ordinance or regulation.

(F) No municipal corporation shall tax any of the following:

(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;

(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;

(3) Except as otherwise provided in division (G) of this section, intangible income;

(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is

subject to such a tax by reason of residence or domicile in the municipal corporation, or the headquarters of the authority or commission is located within the municipal corporation.

(6) The income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code.

(G) Any municipal corporation that taxes any type of intangible income on March 29, 1988, pursuant to Section 3 of Amended Substitute Senate Bill No. 238 of the 116th general assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988.

(H) Nothing in this section or section 718.02 of the Revised Code~~,~~ shall authorize the levy of any tax on income ~~which~~ that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

Sec. 742.63. The board of trustees of the police and firemen's disability and pension fund shall adopt rules for the management of the firemen and policemen's death benefit fund and for disbursements of benefits as set forth in this section.

(A) As used in this section:

(1) "Member" means a member of the police and firemen's disability and pension fund or the state highway patrol retirement system, or a member of the public employees retirement system who at the time of the member's death was a county sheriff or deputy sheriff, a full-time regular police officer in a municipal corporation or township, a full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time department of public safety enforcement agent, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction, a state university law enforcement officer, or a member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.

(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the police force of a state university.

(3) "Firefighter or police officer" includes a state highway patrol trooper, a county sheriff or deputy sheriff, a correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction, a police officer employed by a township or municipal corporation, a firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time department of public safety enforcement agent, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, and a state university law enforcement officer.

(4) "Correction officer" includes, in addition to any correction officer, any correction corporal, sergeant, lieutenant, or captain, and the equivalents of all such persons.

(5) "A park district ranger or patrol trooper" means a peace officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of a board of park commissioners of a metropolitan, county, or township park district.

(6) "Metropolitan, county, or township park district" means a park district created under the authority of Chapter 511. or 1545. of the Revised Code.

(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.

(8) "Law enforcement officer" means an officer commissioned to make

arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.

(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.33, division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.

(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been granted the deceased member.

(12) "Killed in the line of duty" means either of the following:

(a) Death in the line of duty;

(b) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty.

(B) A spouse of a deceased member shall receive a death benefit each month equal to the full death benefit amount, provided that the deceased member was a firefighter or police officer killed in the line of duty and there are no surviving children eligible for a benefit under this section. The spouse shall receive this benefit during the spouse's natural life until the ~~earlier of the~~ deceased member's retirement eligibility date ~~or the spouse's remarriage~~, on which date the benefit provided under this division shall terminate.

(C)(1) If a member killed in the line of duty as a firefighter or police officer is survived only by a child or children, the child or children shall receive a benefit each month equal to the full death benefit amount. If there is more than one surviving child, the benefit shall be divided equally among these children.

(2) If the death benefit paid under this division is divided among two or more surviving children and any of the children become ineligible to continue receiving a portion of the benefit as provided in division (H) of this

section, the full death benefit amount shall be paid to the remaining eligible child or divided among the eligible children so that the benefit paid to the remaining eligible child or children equals the full death benefit amount.

(3) Notwithstanding divisions (C)(1) and (2) of this section, all death benefits paid under this division shall terminate on the deceased member's retirement eligibility date.

(D) If a member killed in the line of duty as a firefighter or police officer is survived by both a spouse and a child or children, the monthly benefit provided shall be as follows:

(1)(a) If there is a surviving spouse and one surviving child, the spouse shall receive an amount each month equal to one-half of the full death benefit amount and the child shall receive an amount equal to one-half of the full death benefit amount.

(b) If the surviving spouse ~~becomes ineligible to continue receiving a death benefit due to remarriage or death,~~ dies or the child becomes ineligible as provided in division (H) of this section, the surviving spouse or child remaining eligible shall receive the full death benefit amount.

(2)(a) If there is a surviving spouse and more than one child, the spouse shall receive an amount each month equal to one-third of the full death benefit amount and the children shall receive an amount, equally divided among them, equal to two-thirds of the full death benefit amount.

(b) If a spouse and more than one child each are receiving a death benefit under division (D)(2)(a) of this section and the spouse ~~becomes ineligible to receive a benefit due to remarriage or death~~ dies, the children shall receive an amount each month, equally divided among them, equal to the full death benefit amount.

(c) If a spouse and more than one child each are receiving a benefit under division (D)(2)(a) of this section and any of the children becomes ineligible to receive a benefit as provided in division (H) of this section, the spouse and remaining eligible child or children shall receive a death benefit as follows:

(i) If there are two or more remaining eligible children, the spouse shall receive an amount each month equal to one-third of the full death benefit amount and the children shall receive an amount each month, equally divided among them, equal to two-thirds of the full death benefit amount;

(ii) If there is one remaining eligible child, the spouse shall receive an amount each month equal to one-half of the full death benefit amount, and the child shall receive an amount each month equal to one-half of the full death benefit amount.

(d) If a spouse and more than one child each are receiving a benefit

under division (D)(2)(a) of this section and all of the children become ineligible to receive a benefit as provided in division (H) of this section, the spouse shall receive the full death benefit amount.

(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate on the ~~earlier of the~~ member's retirement eligibility date ~~or the spouse's remarriage~~. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (H) of this section.

(E) If a member, on or after January 1, 1980, is killed in the line of duty as a firefighter or police officer and is survived by only a parent or parents dependent upon the member for support, the parent or parents shall receive an amount each month equal to the full death benefit amount. If there is more than one surviving parent dependent upon the deceased member for support, the death benefit amount shall be divided equally among the surviving parents. On the death of one of the surviving parents, the full death benefit amount shall be paid to the other parent.

(F) A surviving spouse whose benefits are terminated in accordance with division (B) or (D)(3) of this section on the deceased member's retirement eligibility date, or who would qualify for a benefit under division (B) or (D) of this section except that the deceased member reached the member's retirement eligibility date prior to the member's death, shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to the member's death, plus any salary increases the deceased member would have received prior to the member's retirement eligibility date. The benefit shall terminate on the surviving spouse's ~~remarriage or~~ death. A death benefit payable under this division shall be reduced by an amount equal to any allowance or benefit payable to the surviving spouse under section 742.3714 of the Revised Code.

(G)(1) If there is not a surviving spouse eligible to receive a death benefit under division (F) of this section or the surviving spouse receiving a death benefit under that division ~~becomes ineligible to receive the benefit due to remarriage or death~~ dies, a surviving child or children whose benefits under division (C) or (D) of this section are or have been terminated pursuant to division (C)(3) or (D)(3) of this section or who would qualify for a benefit under division (C) or (D) of this section except that the deceased member reached the member's retirement eligibility date prior to the member's death shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the

monthly salary received by the deceased member prior to the member's death, plus any salary increases the member would have received prior to the member's retirement eligibility date. If there is more than one surviving child, the benefit shall be divided equally among the surviving children.

(2) If two or more surviving children each are receiving a benefit under this division and any of those children becomes ineligible to continue receiving a benefit as provided in division (H) of this section, the remaining eligible child or children shall receive an amount equal to one-half of the monthly salary received by the deceased member prior to death, plus any salary increases the deceased member would have received prior to the retirement eligibility date. If there is more than one remaining eligible child, the benefit shall be divided equally among the eligible children.

(3) A death benefit, or portion of a death benefit, payable to a surviving child under this division shall be reduced by an amount equal to any allowance or benefit payable to that child under section 742.3714 of the Revised Code, but the reduction in that child's benefit shall not affect the amount payable to any other surviving child entitled to a portion of the death benefit.

(H) A death benefit paid to a surviving child under division (C), (D), or (G) of this section shall terminate on the death of the child or, unless one of the following is the case, when the child reaches age eighteen:

(1) The child, because of physical or mental disability, is unable to provide the child's own support, in which case the death benefit shall terminate when the disability is removed;

(2) The child is unmarried, under age twenty-two, and a student in and attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the trustees of the fund.

(I) Acceptance of any death benefit under this section does not prohibit a spouse or child from receiving other benefits provided under the police and firemen's disability and pension fund, the state highway patrol retirement system, the public employees retirement system, or a retirement system operated by a municipal corporation.

(J) No person shall receive a benefit under this section if any of the following occur:

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or (7) of section 5505.17 of the Revised Code; to a monthly survivor benefit from a retirement system

operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code.

(2) The member's accumulated contributions under this chapter or Chapter 145. or 5505. of the Revised Code are refunded unless the member had been a member of the public employees retirement system and had fewer than eighteen months of total service credit at the time of death.

(3) In the case of a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, or municipal corporation, or a member of a retirement system operated by a municipal corporation who at the time of the member's death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation, the member died prior to April 9, 1981, in the case of a benefit under division (B), (C), or (D) of this section, or prior to January 1, 1980, in the case of a benefit under division (E) of this section.

(4) In the case of a full-time department of public safety enforcement agent who prior to ~~the effective date of this amendment~~ June 30, 1999, was a liquor control investigator of the department of public safety, the member died prior to December 23, 1986;

(5) In the case of a full-time department of public safety enforcement agent other than an enforcement agent who, prior to ~~the effective date of this amendment~~ June 30, 1999, was a liquor control investigator, the member died prior to ~~the effective date of this amendment~~ June 30, 1999.

(K) A surviving spouse whose benefit was terminated prior to the effective date of this amendment due to remarriage shall receive a benefit under division (B), (D), or (F) of this section beginning on the first day of the month following receipt by the board of an application on a form provided by the board. The benefit amount shall be determined as of that date.

(1) If the benefit will begin prior to the deceased member's retirement eligibility date, it shall be paid under division (B) or (D) of this section and shall terminate as provided in those divisions. A benefit paid to a surviving spouse under division (D) of this section shall be determined in accordance with that division, even if benefits paid to surviving children are reduced as a result.

(2) If the benefit will begin on or after the deceased member's retirement

eligibility date, it shall be paid under division (F) of this section and shall terminate as provided in that division. A benefit paid to a surviving spouse under division (F) of this section shall be determined in accordance with that division, even if benefits paid to surviving children are terminated as a result.

Sec. 753.19. (A) If a person who was convicted of or pleaded guilty to an offense ~~of violence that is a felony~~ or was indicted or otherwise charged with the commission of an offense ~~of violence that is a felony~~ escapes from a jail or workhouse of a municipal corporation or otherwise escapes from the custody of a municipal corporation, the chief of police or other chief law enforcement officer of that municipal corporation immediately after the escape shall ~~cause notice of~~ report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction over the place where the person escaped from custody, to the state highway patrol, to the department of rehabilitation and correction if the escaped person is a prisoner under the custody of the department who is in the jail or workhouse, to the prosecuting attorney of the county, and to ~~be published in~~ a newspaper of general circulation in the municipal corporation ~~and~~ in a newspaper of general circulation in each county in which part of the municipal corporation is located. ~~The chief law enforcement officer also immediately after the escape shall give notice of the escape by telephone and in writing to the prosecuting attorney of the county in which the offense was committed. Upon~~ The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the chief law enforcement officer shall give notice of the apprehension of the escaped person by telephone and in writing to the ~~prosecuting attorney~~ persons notified under division (A) of this section.

Sec. 901.41. As used in this section and in section 901.42 of the Revised Code:

(A) "Director" means the director of agriculture or the designee of the director of agriculture.

(B) "Exhibition" means a display of animals that is open to the public.

(C) "National exhibition" means an exhibition where species from fifteen or more states or nations are exhibited.

(D) "Nonprofit association" means any corporation, society, partnership, or other organization formed under the laws of this state or another state or nation providing for the establishment and governance of nonprofit entities.

(E) "Ohio expositions center" means the property that is held by this

state for the purpose of conducting fairs, expositions, and exhibits and that is maintained and managed by the Ohio expositions commission under section 991.03 of the Revised Code.

(F) "Premium awards" means money, ribbons, banners, medals, achievement pins, trophies, or merchandise presented for animals of superior quality.

(G) "Rental costs" means the costs associated with the rental of the facilities, or a portion thereof, at the Ohio expositions center, including, without limitation, grounds, buildings, pens, animal feeding or watering equipment, and tieouts. "Rental costs" also ~~include~~ includes labor costs associated with set-up, tear-down, and security.

(H) "Species" means dairy cattle, beef cattle, swine, rabbits, poultry, and sheep.

Sec. 901.62. (A) The agricultural financing commission shall consist of ~~eight~~ nine members. Six of the members shall be appointed by the governor with the advice and consent of the senate. The director of agriculture, the director of development, and the treasurer of state or, in their absence, their designees, shall also be voting members of the commission. Of the six appointed members, three shall have experience in agriculture, and three shall have experience in agricultural finance, including lending and loan servicing. No more than four of the appointed members of the commission shall be of the same political party. The speaker of the house of representatives and the president of the senate shall each recommend to the governor one person for consideration as one of the governor's appointments. Terms of office for appointed members shall be for six years commencing on the first day of February and ending on the thirty-first day of January. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of ~~such~~ that term. Any appointed member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Each appointed member may be removed from office by the governor for misfeasance, nonfeasance, or malfeasance in office, or for failure to attend in person three consecutive meetings of the ~~agency~~ commission.

(B) The director of agriculture shall be the ~~chairman~~ chairperson of the commission. The commission shall elect one of its appointed members as ~~vice-chairman~~ vice-chairperson and such other officers as it considers

ssary, who need not be members of the commission. Each appointed member of the commission shall receive compensation at the rate of fifty dollars per commission meeting attended in person, not to exceed a maximum of three thousand dollars per year. All members shall be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties. Members of the commission shall file with the Ohio ethics commission the disclosure statement described in division (A) of section 102.02 of the Revised Code on the form prescribed by the Ohio ethics commission and subject to divisions (C) and (D) of that section.

(C) Five members of the commission constitute a quorum, and the affirmative vote of five members shall be necessary for any action taken by the commission. No vacancy in membership of the commission impairs the right of a quorum to exercise all the rights and perform all the duties of the commission. Meetings of the commission may be held at any place within the state. Meetings of the commission, including notice of the place of meetings, shall comply with section 121.22 of the Revised Code.

Sec. 901.63. (A) The agricultural financing commission shall do both of the following until ~~June 30, 1999~~ July 1, 2001:

(1) Make recommendations to the director of agriculture about financial assistance applications made pursuant to sections 901.80 to 901.83 of the Revised Code. In making its recommendations, the commission shall utilize criteria established by rules adopted under division (A)(8)(b) of section 901.82 of the Revised Code.

(2) Advise the director in the administration of sections 901.80 to 901.83 of the Revised Code.

With respect to sections 901.80 to 901.83 of the Revised Code, the role of the commission is solely advisory. No officer, member, or employee of the commission is liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises out of purchasing any loan or providing a loan guarantee, failure to purchase a loan or provide a loan guarantee, or failure to take action under sections 901.80 to 901.83 of the Revised Code, or that allegedly arises out of any act or omission of the department of agriculture that involves those sections.

(B) The commission may:

(1) Adopt bylaws for the conduct of its business;

(2) Exercise all rights, powers, and duties conferred on the commission as an issuer under Chapter 902. of the Revised Code;

(3) Contract with, retain, or designate financial consultants, accountants, and such other consultants and independent contractors as the commission may determine to be necessary or appropriate to carry out the purposes of

this chapter and to fix the terms of those contracts;

(4) Undertake and carry out or authorize the completion of studies and analyses of agricultural conditions and needs within the state relevant to the purpose of this chapter to the extent not otherwise undertaken by other departments or agencies of the state satisfactory for such purpose;

(5) Acquire by gift, purchase, foreclosure, or other means, and hold, assign, pledge, lease, transfer, or otherwise dispose of, real and personal property, or any interest in that real and personal property, in the exercise of its powers and the performance of its duties under this chapter and Chapter 902. of the Revised Code;

(6) Receive and accept gifts, grants, loans, or any other financial or other form of aid from any federal, state, local, or private agency or fund and enter into any contract with any such agency or fund in connection therewith, and receive and accept aid or contributions from any other source of money, property, labor, or things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made, all within the purposes of this chapter and Chapter 902. of the Revised Code;

(7) Sue and be sued in its own name with respect to its contracts or to enforce this chapter or its obligations or covenants made under this chapter and Chapter 902. of the Revised Code;

(8) Make and enter into all contracts, commitments, and agreements, and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under this chapter and Chapter 902. of the Revised Code;

(9) Adopt an official seal;

(10) Do any and all things necessary or appropriate to carry out the public purposes and exercise the powers granted to the commission in this chapter and Chapter 902. of the Revised Code and the public purposes of Section 13 of Article VIII, Ohio Constitution.

Sec. 924.51. (A) There is hereby created the Ohio grape industries committee consisting of nine members. The members shall be the director of agriculture or the director's designee, who shall chair the committee, the director of liquor control or the director's designee, the chief of the division of markets of the department of agriculture, the viticulture extension specialist of the Ohio agricultural research and development center, who shall be a nonvoting member, and five members who shall be appointed by the director of agriculture.

(B) Of the five members of the committee appointed by the director of agriculture, two shall be persons who receive the major portion of their income from the production of grapes. The term of one of these members

shall begin January 1, 1982, and end December 31, 1982, and the second member's term shall begin January 1, 1982, and end December 31, 1983. Two members shall be persons who receive the major portion of their income from the production of wine from raw grape or fruit products in either raw fruit or fresh juice form. The term of one of these members shall begin January 1, 1982, and end December 31, 1982, and the second member's term shall begin January 1, 1982, and end December 31, 1983. One member shall be a person the major portion of whose income is from the production of grape products other than wine, such as juice, jams, or jellies; that member's term shall begin January 1, 1982, and end December 31, 1984. Thereafter, the terms for each appointed member of the committee shall be for three years, commencing on the first day of January and ending on the thirty-first day of December. No appointed member shall serve more than two consecutive terms. The director may remove any appointed member for cause.

(C) Members shall be appointed to fill vacancies caused by death, resignation, or removal in the same manner prescribed for regular appointment to the committee. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of that member's term until that member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) All members of the committee are entitled to their actual and necessary expenses incurred in the performance of their duties as members, payable from moneys received from the Ohio grape industries fund created under section 924.54 of the Revised Code.

(E) A majority of the committee constitutes a quorum.

Sec. 1101.15. (A)(1) Except as provided in division (A)(2) of this section, no person other than a bank doing business under authority granted by the superintendent of financial institutions, the bank chartering authority of another state, the office of the comptroller of the currency, or the bank chartering authority of a foreign country shall do either of the following:

(a) Use "bank," "banker," or "banking," or a word or words of similar meaning in any other language, as a designation or name, or as part of a designation or name, under which business is or may be conducted in this state;

(b) Represent itself as a bank.

(2)(a) A corporation doing business under Chapter 1151. of the Revised Code may use the ~~phrase~~ word "~~savings~~ bank," "banker," or "banking," or a

word or words of similar meaning in any other language, as part of a designation or name under which business is or may be conducted in this state, as provided in section 1151.07 of the Revised Code.

(b) A corporation doing business under Chapter 1161. of the Revised Code may use the ~~phrase~~ word "~~savings~~ bank," "banker," or "banking," or a word or words of similar meaning in any other language, as part of a designation or name under which business is or may be conducted in this state, as provided in section 1161.09 of the Revised Code.

(c) A corporation doing business under authority granted by the office of thrift supervision may use the ~~phrase~~ word "~~savings~~ bank," "banker," or "banking," or a word or words of similar meaning in any other language, as part of a designation or name under which business is or may be conducted in this state.

(d) A nonprofit organization, whether or not incorporated under Chapter 1702. of the Revised Code, may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, as part of a designation or name under which business is or may be conducted if the superintendent determines the organization's use is not likely to mislead the public and authorizes the organization to use the word or words.

(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a savings and loan association licensed under section 1151.348 of the Revised Code to serve as a fiduciary, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following:

(a) Use the word "trust," or a word or words of similar meaning in any other language, as a designation or name, or part of a designation or name, under which business is or may be conducted in this state;

(b) Otherwise represent itself as a fiduciary or trust company.

(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and, when acting in that fiduciary capacity, otherwise represent ~~himself, herself, or itself~~ such person as a fiduciary.

(b) A person licensed by another state to serve as a fiduciary and exempt from licensure under Chapter 1111. of the Revised Code may serve as a fiduciary to the extent permitted by the exemption.

(c) A savings and loan association may serve as a trustee to the extent authorized by section 1151.191 of the Revised Code.

(d) A savings bank may serve as a trustee to the extent authorized by section 1161.24 of the Revised Code.

(e) A charitable trust, business trust, real estate investment trust, personal trust, or other bona fide trust may use the word "trust" or a word or words of similar meaning in any other language, as a designation or name, or part of a designation or name, under which business is or may be conducted.

(f) A nonprofit organization, whether or not incorporated under Chapter 1702. of the Revised Code, may use "trust" or a word or words of similar meaning in any other language, as a designation or name, or part of a designation or name, under which business is or may be conducted, if the superintendent determines the organization's use is not likely to mislead the public and authorizes the organization to use the word or words.

(C) No bank shall use "state" as part of a designation or name under which it transacts business in this state, unless the bank is doing business under authority granted by the superintendent or the bank chartering authority of another state.

Sec. 1107.15. A bank's board of directors may declare dividends and distributions on the bank's outstanding shares, subject to all of the following conditions:

(A) ~~Payment~~ Except as otherwise provided in division (B) of this section, payment of a dividend or distribution may only be funded from undivided profits.

(B) A dividend or distribution may be funded, in whole or in part, from surplus with the approval of both of the following:

(1) The holders of at least two-thirds of the outstanding shares of each class of the bank's stock;

(2) The superintendent of financial INSTITUTIONS.

(C) A dividend or distribution may be paid in treasury shares or in authorized but unissued shares, if the board makes the required transfers to surplus and paid-in capital.

~~(C)~~(D) The approval of the superintendent ~~of financial institutions~~ is required for the declaration of dividends and distributions if the total of all dividends and distributions declared on the bank's shares in any year, and not paid in shares, exceeds the total of its net income for that year combined with its retained net income of the preceding two years.

~~(D)~~(E) Prior to the declaration of any dividend or distribution the bank has made all required allocations to reserves for losses or contingencies.

Sec. 1109.23. (A) No bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, except as authorized by this section.

(B)(1) A bank may extend credit to any of its executive officers,

ctors, or principal shareholders, or to any of their related interests, only if all of the following apply to the extension of credit:

~~(1)~~(a) The extension of credit is made on substantially the same terms, including interest rates and collateral, as those terms prevailing at the time for comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.

~~(2)~~(b) The extension of credit does not involve more than the normal risk of repayment or present other unfavorable features.

~~(3)~~(c) The bank follows credit underwriting procedures that are not less stringent than those applicable to comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.

(2) Nothing in division (B)(1) of this section shall be construed to prohibit any extension of credit made pursuant to a benefit or compensation program that meets both of the following conditions:

(a) The program is widely available to all employees of the bank;

(b) The program does not give preference to any officer, director, or principal shareholder of the bank, or to any related interest of an officer, director, or principal shareholder, over other employees of the bank.

(C) A bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to the executive officer, director, or principal shareholder and that person's related interests, would exceed an amount prescribed by the superintendent of financial institutions, only if both of the following conditions are met:

(1) The extension of credit has been approved in advance by a majority vote of the bank's entire board of directors.

(2) The executive officer, director, or principal shareholder, who or whose related interest would be obligated on the extension of credit, has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit.

(D) A bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to the executive officer, director, or principal shareholder and that person's related interests, would not exceed the limit on loans to a single borrower established by section 1109.22 of the Revised Code.

(E)(1) A bank may extend credit to any of its executive officers,

irectors, or principal shareholders, or to any of their related interests, if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to all of its executive officers, directors, principal shareholders, and their related interests, would not exceed the bank's unimpaired capital.

(2) The superintendent may prescribe a limit that is more stringent than the limit contained in division (E)(1) of this section.

(3) The superintendent may make exceptions to division (E)(1) of this section for banks with less than one hundred million dollars in deposits, if the superintendent determines that the exceptions are important to avoid constricting the availability of credit in small communities or to attract directors to those banks. In no case may the aggregate amount of all outstanding extensions of credit by a bank to all of its executive officers, directors, principal shareholders, and their related interests, be more than two times the bank's unimpaired capital.

(F)(1) If any executive officer or director of a bank has an account at the bank, the bank may not pay from that account an amount exceeding the funds on deposit in the account.

(2) Division (F)(1) does not prohibit the bank from paying funds in accordance with either of the following:

(a) A written, preauthorized, interest-bearing extension of credit specifying a method of repayment;

(b) A written preauthorized transfer of funds from another account of the executive officer or director at that bank.

(G) No executive officer, director, or principal shareholder shall knowingly receive, or knowingly permit any of that person's related interests to receive, from a bank, directly or indirectly, any extension of credit not authorized under this section.

(H)(1) Subject to division (H)(2) of this section, for purposes of this section, any executive officer, director, or principal shareholder of any company of which the bank is a subsidiary, or of any other subsidiary of that company, is deemed to be an executive officer, director, or principal shareholder, respectively, of the bank.

(2) The superintendent may make exceptions to the application of division (H)(1) of this section~~, except for the application of division (B) of this section,~~ for ~~persons~~ any person who ~~are~~ is an executive ~~officers~~ officer or ~~directors~~ director of ~~subsidiaries~~ a subsidiary of a company that controls a bank, ~~but who do~~ if both of the following apply:

(a) The person does not have authority to participate, and ~~do~~ does not participate, in major policymaking functions of the bank.

(b) The assets of the subsidiary do not exceed ten per cent of the consolidated assets of the company that controls the bank, and the subsidiary is not controlled by any other company.

(I) For purposes of this section:

(1) "Bank" includes any subsidiary of a bank.

(2)(a) "Company" means any corporation, partnership, business or other trust, association, joint venture, pool syndicate, sole proprietorship, unincorporated organization, or other business entity.

(b) "Company" does not include either of the following:

(i) A bank, savings bank, or savings association, the deposits of which are insured by the federal deposit insurance corporation;

(ii) A corporation the majority of the shares of which are owned by the United States or by any state of the United States.

(3) "Control" of a company or bank by a person means the person, directly or indirectly, or acting through or in concert with one or more persons, meets any of the following:

(a) The person owns, controls, or has the power to vote twenty-five per cent or more of any class of the company's or bank's voting securities.

(b) The person controls in any manner the election of a majority of the company's or bank's directors.

(c) The person has the power to exercise a controlling influence over the company's or bank's management or policies.

(4) "Executive officer" means a person who participates or has the authority to participate, other than as a director, in major policymaking functions of a company or bank.

(5) To "extend credit" or to make an "extension of credit" means to make or renew any loan, to grant a line of credit, or to enter into any similar transaction as a result of which an executive officer, director, or principal shareholder, or any of that person's related interests, becomes obligated, directly, indirectly, or by any means whatsoever, to pay money or its equivalent to the bank.

(6) "Principal shareholder" means a person who, directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than ten per cent of any class of voting securities of a bank or company, other than a company of which the bank is a subsidiary.

(7) "Related interest" of a person means either of the following:

(a) Any company controlled by that person;

(b) Any political committee or campaign committee that is controlled by that person or the funds or services of which will benefit that person.

(8) "Subsidiary" means any company of which a bank or company meets any of the following:

(a) The bank or company owns twenty-five per cent or more of the voting shares of the company.

(b) The bank or company controls in any manner the election of a majority of the directors of the company.

(c) The bank or company has the power, directly or indirectly, to exercise a controlling influence with respect to the management or policies of the company.

Sec. 1151.07. (A) ~~The name of every~~ A savings and loan association ~~organized after May 11, 1908~~ savings bank, or ~~incorporated before said date and changing its name after said date, shall begin with any word it may select and end with "company" or with "association." Such association also~~ bank may use in its name ~~in any order it designates, and may use~~, with other words not forbidden by law, any of the following words or combinations of words: "savings," "building," "loan," "savings and loan," ~~or~~ "building and loan, "bank," "banker," or "banking." ~~No savings and loan association shall use, singly or in combination, any of the following words: "trust," "federal," "national," "U.S.," "United States," or "international."~~

(B) ~~No~~ Except as provided in division (A) of this section, no person, firm, company, association, fiduciary, partnership, or corporation, either domestic or foreign, unless ~~he~~ the person or ~~it~~ entity is lawfully authorized to do business in this state under the provisions of this chapter and actually is engaged in carrying on a savings and loan association business or making loans as authorized under section 1151.296 of the Revised Code, shall do business under any name or title ~~which~~ that contains the terms "savings association," "savings and loan association," "building and loan association," "building association," or any combination employing either or both of the words "building" or "loan" with the words "saving" or "savings," or words of similar import, or use any name or sign or circulate or use any letterhead, billhead, circular or paper whatever, or advertise or represent in any manner ~~which~~ that indicates that ~~his~~ the person's or ~~its~~ entity's business is the character or kind of business carried on or transacted by a savings and loan association or ~~which~~ that leads any person to believe that ~~his~~ the person's or ~~its~~ entity's business is that of a savings and loan association. Upon application by the superintendent of ~~savings and loan associations~~ financial institutions or any ~~such~~ savings and loan association, a court of competent jurisdiction may issue an injunction to restrain any such entity from violating or continuing to violate any of the provisions of this division ~~(B) of this section~~. The prohibitions of this division shall not apply to any

corporation or association formed for the purpose of promoting the interests of savings and loan associations, the membership of which is comprised of thrift institutions or their officers or other representatives.

~~(C) Notwithstanding any provision of the Revised Code, the articles of incorporation and constitution of any savings and loan association may be amended by its board of directors in accordance with section 1151.44 of the Revised Code to change its name in a manner by which the words "savings bank" are substituted for the words "company" or "association"; provided, however that any such amendment shall be submitted to the superintendent for approval, upon the grant of which the amendment shall be certified by the superintendent to the secretary of state for filing.~~

Sec. 1151.201. A building and loan association may purchase its own shares of permanent stock, if ~~such~~ the purchase is not inconsistent with its articles, constitution, or bylaws~~:~~

~~(A) To avoid the issuance of or to eliminate fractional shares;~~

~~(B) From a decedent's estate subject to such reasonable terms and conditions as the superintendent by regulation prescribes~~.

Sec. 1155.07. Every savings and loan association organized under the laws of this state shall make, as of the thirty-first day of December and the thirtieth day of June of each year, a report of the affairs and business of the association for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the association. The superintendent of ~~savings and loan associations~~ financial institutions may also require monthly reports.

The superintendent may, by written order mailed to the managing officer of such an association, require any association to submit to ~~him~~ the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1151.54 of the Revised Code.

Any such association refusing or neglecting to file any report required by this section within the time specified shall forfeit one hundred dollars for every day that such default continues unless such penalty, in whole or in part, is waived by the superintendent. The superintendent may maintain an action in the name of the state to recover such forfeiture which, upon its collection, shall be paid into the state treasury to the credit of the ~~division of~~ savings ~~and loan associations~~ institutions fund established under section 1181.18 of the Revised Code.

Every such association shall maintain adequate, complete, and correct accounts and shall observe such generally accepted accounting principles and practices or generally accepted auditing standards, as the superintendent

prescribes. The superintendent shall demand once a year, and at the expense of the association, that its accounts be audited by an independent auditor. A copy of the audit report shall be submitted to the board of directors of the association and filed, together with management's reponse, with the superintendent within thirty days after presentation of the completed report to the board or not later than the thirty-first day of March of the year next succeeding the year for which the audit was conducted, whichever occurs first, unless the time is extended by the superintendent.

At the conclusion of ~~his~~ the audit of an association, an independent auditor shall attend a meeting at which there are present only the outside directors of the association or a committee comprised of and appointed by such outside directors and fully disclose at that time to those directors all audit exceptions that developed during the audit and all relevant data and information concerning the financial condition, investment practices, and other financial policies and procedures of the association. The meeting shall be held at a time and place that is agreed upon by the independent auditor and the outside directors or their committee. A complete record of the proceedings of the meeting shall be kept in a minute book that is maintained solely for the purpose of keeping such records. Nothing in this paragraph shall be construed to prevent the independent auditor from meeting at other times with inside directors, officers, or employees of the association.

The superintendent may prescribe a schedule for the preservation and destruction of books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings of such an association, even if such association has been liquidated pursuant to law. An association may dispose of any books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings which have been retained or preserved for the period prescribed by the superintendent pursuant to this paragraph. The requirements of this paragraph may be complied with by the preservation of records in the manner prescribed in section 2317.41 of the Revised Code.

Sec. 1155.10. Whenever the superintendent of ~~building and loan associations~~ financial institutions considers it necessary, ~~he~~ the superintendent may make a special examination of any ~~building~~ savings and loan association, and the expense of ~~such~~ the examination shall be paid by ~~such~~ the association. Such expenses shall be collected by the superintendent and paid into the state treasury to the credit of the ~~division of building and loan associations~~ savings institutions fund established under section 1181.18 of the Revised Code. Any examination made by the superintendent otherwise than in the ordinary routine of ~~his~~ the superintendent's duties and

because, in ~~his~~ the superintendent's opinion, the condition of the association requires such examination, is a special examination within the meaning of this section.

Sec. 1155.13. (A)(1) Each savings and loan association subject to inspection and examination by the superintendent of financial institutions and transacting business in this state as of the thirty-first day of December of the prior fiscal year, or the savings and loan association's successor in interest, shall pay annual assessments to the superintendent as provided in this section.

(2) After determining the budget of the division of financial institutions for examination and regulation of savings and loan associations, but prior to establishing the annual assessment amount necessary to fund that budget, the superintendent shall include any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the ~~building and loan associations~~ savings institutions fund from the amount to be assessed. Based upon the resulting budget amount, the superintendent shall make an assessment upon each savings and loan association based on the total assets as shown on the books of the savings and loan association as of the thirty-first day of December of the previous fiscal year. The assessments shall be collected on an annual or periodic basis within the fiscal year, as determined by the superintendent.

(3) A savings and loan association authorized by the superintendent to commence business in the period between assessments shall pay the actual reasonable costs of the division's examinations and visitations.

(B) Assessments and fees charged pursuant to this section shall be paid within fourteen days after receiving an invoice for payment of the assessment or fee.

Any assessment or fee collected is not refundable.

(C) The superintendent shall pay all assessments and fees charged pursuant to this section and all forfeitures required to be paid to the superintendent into the state treasury to the credit of the ~~building and loan associations~~ savings institutions fund established under section 1181.18 of the Revised Code.

(D) Any money deposited into the state treasury to the credit of the ~~building and loan associations~~ savings institutions fund, but not expended or encumbered by the superintendent to defray the costs of administering ~~Chapter~~ Chapters 1151. to 1157. of the Revised Code, shall remain in the ~~building and loan associations~~ savings institutions fund for expenditures by the superintendent in subsequent years in the administration of Chapters 1151. to 1157. of the Revised Code.

Sec. 1161.09. (A) ~~The name of every~~ A savings bank ~~organized on or after the effective date of this section shall begin with any word it may select and end with "company" or with "savings bank." No,~~ savings and loan association, or bank ~~shall~~ may use~~, singly or~~ in ~~combination~~ its name, with other words not forbidden by law, any of the following words or ~~abbreviations~~ combinations of words: "~~trust~~ savings," "~~federal~~ building," "~~national~~ loan," "~~U.S.~~ savings and loan," "~~United States~~ building and loan," "bank," "banker," or "~~international~~ banking."

(B) ~~No~~ Except as provided in division (A) of this section, no person, firm, company, association, fiduciary, partnership, or corporation, either domestic or foreign, unless ~~he~~ the person or ~~it~~ entity is lawfully authorized to do business in this state under this chapter and actually is engaged in carrying on a savings bank business, shall do business under any name or title ~~which~~ that contains the terms "savings bank," "savings bank company," or words of similar import, or use any name or sign or circulate or use any letterhead, billhead, circular or paper whatever, or advertise or represent in any manner ~~which~~ that indicates that ~~his~~ the person's or ~~its~~ entity's business is the character or kind of business carried on or transacted by a savings bank or ~~which~~ that leads any person to believe that ~~his~~ the person's or ~~its~~ entity's business is that of a savings bank.

(C) Upon application by the superintendent of ~~savings banks~~ financial institutions or any savings bank, a court of competent jurisdiction may issue an injunction to restrain any entity from violating or continuing to violate division (B) of this section.

(D) Division (B) of this section does not apply to any corporation or association formed for the purpose of promoting the interests of savings banks or other similar institutions, banks organized under Chapter 1101. of the Revised Code, or savings and loan associations organized under Chapter 1151. of the Revised Code.

Sec. 1161.38. A savings bank shall observe the following procedures in making real estate loans:

(A) The savings bank may make loans upon obligations secured by a mortgage or deed of trust on real estate, which mortgage or deed of trust shall be made directly to the savings bank. This section does not prevent a savings bank organized under this chapter from accepting additional security when the primary and principal security is a mortgage or deed of trust on real estate.

(B) The title of the borrower shall be a fee simple title or a leasehold or subleasehold estate in real property extending or renewable automatically or at the option of the holder for five years after maturity of the loan, if, in the

event of default, the real estate could be used to satisfy the obligation with the same priority as a mortgage or a deed of trust in the jurisdiction where the real estate is located.

(C) In respect to any loan made upon the security of real estate, if it is agreed or contemplated that improvements will be made on the real estate and become a part of the security, the real estate is "improved" within the meaning of division (B) of section 1161.36 and section 1161.37 of the Revised Code and the value of the improvements shall be included in the appraisal value of the real estate. As used in this division, "improvements" does not include "development" as defined in division (F) of section 1161.39 of the Revised Code.

(D) No savings bank shall grant a mortgage loan unless it has first obtained a written application, signed by the applicant borrower or ~~his~~ the applicant borrower's agent, the form and contents of which shall disclose the purpose for which the loan is sought and the identity of the security property. The records for each loan shall contain a written report of the financial ability and credit standing of the borrower.

(E) Machinery and equipment in a building that are adapted to the use being made of the land and building and that are intended to be permanent additions thereto will constitute a portion of the real estate for purposes of this chapter and may be appraised in calculating the maximum permissible loan for purposes of this chapter notwithstanding that the law of this state is otherwise for tax or other special purposes.

(F) The records for each loan shall include an appraisal report prepared and signed by an appraisal committee, or by a qualified appraiser designated by its board of directors, prior to the approval of an application for a loan, and information and data concerning the appraised property to substantiate the market value of the security described in the report. The reports shall be kept by the savings bank in such form as to be available at all times to the examiners or other agents of the superintendent of ~~savings banks~~ financial institutions.

(G)(1)(a) Except as provided in division (G)(1)(b) of this section, no savings bank shall make ~~any loan~~ loans or ~~extension~~ extensions of credit to any one borrower ~~in excess of~~ that, in the aggregate, exceed fifteen per cent of ~~its~~ the saving bank's unimpaired capital and surplus or five hundred thousand dollars, whichever is greater.

(b) A savings bank may extend additional credit to any one borrower in an amount equal to ten per cent of the savings bank's unimpaired capital and unimpaired surplus, if this additional loan is secured by readily marketable collateral having at all times a current value of at least one hundred per cent

of the amount of the loan. If the value of the collateral falls below one hundred per cent of the outstanding loan, the loan becomes subject to the general ~~fifteen per cent~~ limitation provided in division (G)(1)(a) of this section.

(c) Loans or extensions of credit that exceed the ~~fifteen per cent~~ general limitation provided in division (G)(1)(a) of this section shall be brought into conformance with that division ~~(G)(1)(a) of this section~~ within five business days.

(2) The superintendent of ~~savings banks~~ financial institutions shall adopt rules, in accordance with Chapter 119. of the Revised Code, to establish standards governing loans or the extension of credit to one borrower. The rules shall be consistent with and not less stringent than any rules adopted by the federal deposit insurance corporation and the regulations issued by the office of the comptroller of the currency, 12 C.F.R. Part 32, as amended, dealing with limitations on loans and extensions of credit to one borrower.

(H)(1) No savings bank, directly or indirectly, shall make any loan to any of its officers, directors, shareholders, controlling persons, or to members of their immediate families, or to any corporation, partnership, trust, or other form of business entity in which any of its officers, directors, shareholders, or controlling persons have any interest, except as authorized pursuant to section 22(h) of the "Federal Reserve Act of 1913," 38 Stat. 251, 48 Stat. 182, and 92 Stat. 3644, 12 U.S.C. 221, 375a, and 375b, as amended, and in accordance with the rules and regulations issued thereunder.

(2) No savings bank shall make any loan, or otherwise extend credit, or engage in any transaction with any of its affiliates, except as authorized under sections 23A and 23B of the "Federal Reserve Act of 1913," 38 Stat. 251, 48 Stat. 183, and 101 Stat. 564, 12 U.S.C. 221, 371c, and 371c-1, as amended.

(I) The limitations and conditions imposed by this chapter do not apply to a purchase money mortgage taken by a savings bank upon real estate sold by it, to a mortgage held by a savings bank to secure a debt previously contracted, or to prevent or diminish loss with respect to loans or renewals of the loans.

(J) The limitations contained in this chapter, relating to maximum loan terms and loan-to-value ratios, do not apply to any loan on the security of a first lien on real estate that is being constructed, remodeled, rehabilitated, modernized, or renovated, to be the subject of an annual contributions contract for low-rent housing under the "United States Housing Act of 1937," 50 Stat. 888, 42 U.S.C. 1401, as amended. No loan by a savings bank on the security of this real estate shall exceed ninety per cent of the amount

of the appraisal or, in lieu of the appraisal, ninety per cent of the purchase price if the real estate is to be purchased by a local public housing authority. This section applies to a loan on this real estate only when it is first constructed, remodeled, rehabilitated, modernized, or renovated, or when it first becomes the subject of a contributions contract under the act.

(K) In determining compliance with maximum loan-to-value ratios in this chapter, at the time of making a loan, a savings bank shall add together the unpaid amount of all mortgages, liens, or other encumbrances on the security property having priority over the savings bank's mortgage, and shall not make the loan unless the total unpaid balance of the prior mortgages, liens, and other encumbrances, including the one to be made, but excluding loans that will be paid off out of the proceeds of the new loan, does not exceed applicable maximum loan-to-value ratios prescribed in this chapter, as indicated by documentation retained in the loan file.

Sec. 1163.09. (A) Every savings bank organized under the laws of this state, as of the thirty-first day of December and the thirtieth day of June of each year, shall make a report of the affairs and business of the savings bank for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the savings bank. The superintendent of ~~savings banks~~ financial institutions may also require monthly reports.

(B) The superintendent, by written order mailed to the managing officer of a savings bank, may require any savings bank to submit to ~~him~~ the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1161.81 of the Revised Code.

(C) Any savings bank refusing or neglecting to file any report required by this section within the time specified shall forfeit one hundred dollars for every day that the default continues unless the penalty, in whole or in part, is waived by the superintendent. The superintendent may maintain an action in the name of the state to recover the forfeiture which, upon its collection, shall be paid into the state treasury to the credit of the ~~division of~~ savings ~~banks~~ institutions fund established under section 1181.18 of the Revised Code.

(D) Every savings bank shall maintain adequate, complete, and correct accounts and shall observe such generally accepted accounting principles and practices or generally accepted auditing standards, as the superintendent prescribes. The superintendent shall demand once a year, and at the expense of the savings bank, that its accounts be audited by an independent auditor. A copy of the audit report shall be submitted to the board of directors of the

savings bank and filed, together with management's reponse, with the superintendent within thirty days after presentation of the completed report to the board or not later than the thirty-first day of March of the year next succeeding the year for which the audit was conducted, whichever occurs first, unless the time is extended by the superintendent.

(E) At the conclusion of ~~his~~ the audit of a savings bank, an independent auditor shall attend a meeting at which there are present only the outside directors of the savings bank or a committee composed of and appointed by the outside directors and fully disclose at that time to those directors all audit exceptions that developed during the audit and all relevant data and information concerning the financial condition, investment practices, and other financial policies and procedures of the savings bank. The meeting shall be held at a time and place that is agreed upon by the independent auditor and the outside directors or their committee. A complete record of the proceedings of the meeting shall be kept in a minute book that is maintained solely for the purpose of keeping these records. Nothing in this division shall be construed to prevent the independent auditor from meeting at other times with inside directors, officers, or employees of the savings bank.

(F) The superintendent may prescribe a schedule for the preservation and destruction of books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings of a savings bank, even if the savings bank has been liquidated pursuant to law. A savings bank may dispose of any books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings that have been retained or preserved for the period prescribed by the superintendent pursuant to this division. The requirements of this division may be complied with by the preservation of records in the manner prescribed in section 2317.41 of the Revised Code.

Sec. 1163.13. Whenever the superintendent of ~~savings banks~~ financial institutions considers it necessary, ~~he~~ the superintendent may make a special examination of any savings bank, and the expense of the examination shall be paid by the savings bank. These moneys shall be collected by the superintendent and paid into the state treasury to the credit of the ~~division of~~ savings ~~banks~~ institutions fund established under section 1181.18 of the Revised Code. Any examination made by the superintendent otherwise than in the ordinary routine of ~~his~~ the superintendent's duties and because, in ~~his~~ the superintendent's opinion, the condition of the savings bank requires the examination, is a special examination within the meaning of this section.

Sec. 1163.16. (A)(1) Each savings bank subject to inspection and

examination by the superintendent of financial institutions and transacting business in this state as of the thirty-first day of December of the prior fiscal year, or the savings bank's successor in interest, shall pay annual assessments to the superintendent as provided in this section.

(2) After determining the budget of the division of financial institutions for examination and regulation of savings banks, but prior to establishing the annual assessment amount necessary to fund that budget, the superintendent shall include any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the savings ~~banks~~ institutions fund from the amount to be assessed. Based upon the resulting budget amount, the superintendent shall make an assessment upon each savings bank based on the total assets as shown on the books of the savings bank as of the thirty-first day of December of the previous fiscal year. The assessments shall be collected on an annual or periodic basis within the fiscal year, as determined by the superintendent.

(3) A savings bank authorized by the superintendent to commence business in the period between assessments shall pay the actual reasonable costs of the division's examinations and visitations.

(B) Assessments and fees charged pursuant to this section shall be paid within fourteen days after receiving an invoice for payment of the assessment or fee.

Any assessment or fee collected is not refundable.

(C) The superintendent shall pay all assessments and fees charged pursuant to this section and all forfeitures required to be paid to the superintendent into the state treasury to the credit of the savings ~~banks~~ institutions fund established under section 1181.18 of the Revised Code.

(D) Any money deposited into the state treasury to the credit of the savings ~~banks~~ institutions fund, but not expended or encumbered by the superintendent to defray the costs of administering Chapters 1161. to 1165. of the Revised Code, shall remain in the savings ~~banks~~ institutions fund for expenditures by the superintendent in subsequent years in the administration of Chapters 1161. to 1165. of the Revised Code.

Sec. 1181.06. There is hereby created in the state treasury the financial institutions fund. The fund shall receive assessments on the banks fund established under section 1125.28 of the Revised Code, the ~~building and loan associations fund established under section 1155.131 of the Revised Code, the~~ savings ~~bank~~ institutions fund established under section ~~1163.17~~ 1181.18 of the Revised Code, the credit unions fund established under section 1733.321 of the Revised Code, and the consumer finance fund

tablished under section 1321.21 of the Revised Code in accordance with procedures prescribed by the superintendent of financial institutions and approved by the director of budget and management. Such assessments shall be in addition to any assessments on these funds required under division (G) of section 121.08 of the Revised Code. All operating expenses of the division of financial institutions shall be paid from the financial institutions fund.

Sec. 1181.18. There is hereby created in the state treasury the savings institutions fund.

The savings institutions fund shall be assessed a proportionate share of the administrative costs of the department of commerce and the division of financial institutions. The proportionate share of the administrative costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent of financial institutions and approved by the director of budget and management. Such assessment shall be paid from the savings institutions fund to the division of administration fund or the financial institutions fund.

An amount equal to the appropriation from the savings institutions fund shall be transferred to the fund from the general revenue fund by the director of budget and management. All fees, assessments, charges, and forfeitures collected under Chapters 1151., 1155., 1161., and 1163. of the Revised Code shall be paid by the superintendent into the state treasury to the credit of the savings institutions fund. Such moneys shall be utilized to reimburse in full during the same fiscal year the general revenue fund for moneys transferred to the savings institutions fund. Any moneys paid to the superintendent pursuant to Chapters 1151., 1155., 1161., and 1163. of the Revised Code but not expended or encumbered by the superintendent either to reimburse the general revenue fund or to defray the costs of regulating savings and loan associations and savings banks shall remain in the savings institutions fund for expenditure by the superintendent in subsequent years.

Sec. 1301.01. As used in Chapters 1301., 1302., 1303., 1304., 1305., 1307., 1308., 1309., and 1310. of the Revised Code, unless the context otherwise requires, and subject to additional definitions contained in those chapters:

(A) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity, and any other proceedings in which rights are determined.

(B) "Aggrieved party" means a party entitled to resort to a remedy.

(C) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances, including course

of dealing, usage of trade, or course of performance as provided in sections 1301.11 and 1302.11 of the Revised Code. Whether an agreement has legal consequences is determined by Chapters 1301., 1302., 1303., 1304., 1305., 1307., 1308., 1309., and 1310. of the Revised Code, if applicable; otherwise by the law of contracts.

(D) "Bank" means any person engaged in the business of banking.

(E) "Bearer" means the person in possession of an instrument, document of title, or certificated security payable to bearer or endorsed in blank.

(F) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(G) "Branch" includes a separately incorporated foreign branch of a bank.

(H) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its nonexistence.

(I) "Buyer in ordinary course of business" means a person who, in good faith and without knowledge that the sale to the person is in violation of the ownership rights or security interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like, including oil or gas, at the wellhead or minehead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash, by exchange of other property, or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(J) A term or clause is "conspicuous" when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is "conspicuous." Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. In a telegram, any stated term is "conspicuous." Whether a term or clause is "conspicuous" is for decision by the court.

(K) "Contract" means the total legal obligation that results from the parties' agreement as affected by Chapters 1301., 1302., 1303., 1304., 1305., 1307., 1308., 1309., and 1310. of the Revised Code, and any other applicable rules of law.

(L) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(M) "Defendant" includes a person in the position of defendant in cross-action or counterclaim.

(N) "Delivery" with respect to instruments, documents of title, chattel paper, or certificated securities means voluntary transfer of possession.

(O) "Document of title" includes a bill of lading, dock warrant, dock receipt, warehouse receipt, or order for the delivery of goods, and any other document that in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the goods it covers. To be a document of title, a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession that are either identified or are fungible portions of an identified mass.

(P) "Fault" means wrongful act, omission, or breach.

(Q) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods that are not fungible are fungible for the purposes of Chapters 1301., 1302., 1303., 1304., 1305., 1307., 1308., 1309., and 1310. of the Revised Code to the extent that under a particular agreement or document unlike units are treated as equivalents.

(R) "Genuine" means free of forgery or counterfeiting.

(S) "Good faith" means honesty in fact in the conduct or transaction concerned.

(T)(1) "Holder" with respect to a negotiable instrument means either of the following:

(a) If the instrument is payable to bearer, a person who is in possession of the instrument;

(b) If the instrument is payable to an identified person, the identified person when in possession of the instrument.

(2) "Holder" with respect to a document of title means the person in possession if the goods are deliverable to bearer or to the order of the person in possession.

(U) To "honor" is to pay or to accept and pay, or where a creditor so engages to purchase or discount a draft complying with the terms of the credit.

(V) "Insolvency proceedings" include any assignment for the benefit of the creditors or other proceedings intended to liquidate or rehabilitate the

estate of the person involved.

(W) A person is "insolvent" who either has ceased to pay the person's debts in the ordinary course of business or cannot pay the person's debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(X) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government and includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more nations.

(Y) A person has "notice" of a fact when any of the following applies:

(1) The person has actual knowledge of it.

(2) The person has received a notice or notification of it.

(3) From all the facts and circumstances known to the person at the time in question, the person has reason to know that it exists.

A person "knows" or has "knowledge" of the fact when the person has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this section.

(Z) A person "notifies" or "gives" a notice or notification to another person by taking the steps that may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it. A person "receives" a notice or notification when either of the following applies:

(1) It comes to the person's attention.

(2) It is duly delivered at the place of business through which the contract was made or at any other place held out by the person as the place for receipt of such communications.

(AA) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless that communication is part of the individual's regular duties or unless the individual has reason to know of the transaction and that the transaction would be materially affected by the

rmation.

(BB) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(CC) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within Chapters 1301., 1302., 1303., 1304., 1305., 1307., 1308., 1309., and 1310. of the Revised Code.

(DD) "Person" includes an individual or an organization.

(EE) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced that would support a finding of its nonexistence.

(FF) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(GG) "Purchaser" means a person who takes by purchase.

(HH) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(II) "Representative" includes an agent, an officer of a corporation or association, a trustee, executor, or administrator of an estate, or any other person empowered to act for another.

(JJ) "Rights" includes remedies.

(KK)(1) "Security interest" means an interest in personal property or fixtures that secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer, as provided in section 1302.42 of the Revised Code, is limited in effect to a reservation of a security interest. "Security interest" also includes any interest of a buyer of accounts or chattel paper, which is subject to sections 1309.01 to 1309.50 of the Revised Code. The special property interest of a buyer of goods on identification of those goods to a contract for sale under section 1302.42 of the Revised Code is not a security interest, but a buyer also may acquire a security interest by complying with sections 1309.01 to 1309.50 of the Revised Code. Unless a consignment is intended as security, reservation of title under the consignment is not a security interest, but a consignment in any event is subject to the provisions on consignment sales under section 1302.39 of the Revised Code. A lease-purchase agreement as defined in division (F) of section 1351.01 of the Revised Code shall never be intended as security.

(2) Whether a transaction, other than a lease-purchase agreement as

defined in division (F) of section 1351.01 of the Revised Code, creates a lease or security interest is determined by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee and if any of the following applies:

(a) The original term of the lease is equal to or greater than the remaining economic life of the goods.

(b) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods.

(c) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

(d) The the lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

(3) A transaction does not create a security interest merely because it provides any of the following:

(a) That the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(b) That the lessee assumes risk of loss of the goods or agrees to pay taxes, insurance, filing, recording, or registration fees, or service or maintenance costs with respect to the goods;

(c) That the lessee has an option to renew the lease or to become the owner of the goods;

(d) That the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed;

(e) That the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(4) For purposes of division (KK) of this section, all of the following apply:

(a) Additional consideration is not nominal if, when the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed or, when the option to become the owner of

the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised.

(b) "Reasonably predictable" and "remaining economic life of the goods" are to be determined with reference to the facts and circumstances at the time the parties entered into the transaction.

(c) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the parties entered into the transaction. Otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the parties entered into the transaction.

(LL) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified on it or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(MM) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(NN) "Surety" includes guarantor.

(OO) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(PP) "Term" means that portion of an agreement which relates to a particular matter.

(QQ) "Unauthorized" signature means one made without actual, implied, or apparent authority and includes a forgery.

(RR) Except as otherwise provided with respect to negotiable instruments and bank collections under sections 1303.32, 1304.20, and 1304.21 of the Revised Code, a person gives "value" for rights if the person acquires them in any of the following manners:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for or in total or partial satisfaction of a pre-existing claim;

(3) By accepting delivery pursuant to a pre-existing contract for purchase;

(4) Generally, in return for any consideration sufficient to support a simple contract.

(SS) "Warehouse receipt" means a written or electronic receipt issued by a person engaged in the business of storing goods for hire.

(TT) "Written" or "writing" includes printing, typewriting, or any other intentional reduction to tangible form.

Sec. 1309.401. ~~Four~~ Through June 30, 2001, four dollars and fifty cents, and, on and after July 1, 2001, four dollars, of each fee collected by the secretary of state under sections 1309.42 and 1309.43 and divisions (E) and (H) of section 1309.40 of the Revised Code, and all of the fees collected by the secretary of state under section 1309.402 of the Revised Code, shall be deposited in the state treasury to the credit of the corporate and uniform commercial code filing fund, which is hereby created. The remainder of each such fee shall be deposited in the general revenue fund. All moneys credited to the corporate and uniform commercial code filing fund shall be used only for the purpose of paying for expenses relating to the processing of filings under Title XVII and Chapter 1329. of the Revised Code and the uniform commercial code.

Sec. 1317.07. No retail installment contract authorized by section 1317.03 of the Revised Code ~~which~~ that is executed in connection with any retail installment sale shall evidence any indebtedness in excess of the time balance fixed in the written instrument in compliance with section 1317.04 of the Revised Code, but it may evidence in addition any agreements of the parties for the payment of delinquent charges, as provided for in section 1317.06 of the Revised Code, taxes, and any lawful fee actually paid out, or to be paid out, by the retail seller to any public officer for filing, recording, or releasing any instrument securing the payment of the obligation owed on any retail installment contract. No retail seller, directly or indirectly, shall charge, contract for, or receive from any retail buyer, any further or other amount for examination, service, brokerage, commission, expense, fee, or other thing of value. A documentary service charge customarily and presently being paid on May 9, 1949, in a particular business and area may be charged if the ~~same~~ charge does not exceed ~~thirty~~ fifty dollars per sale.

No retail seller shall use multiple agreements with respect to a single item or related items purchased at the same time, with intent to obtain a higher charge than would otherwise be permitted by Chapter 1317. of the

Revised Code or to avoid disclosure of an annual percentage rate, nor by use of such agreements make any charge greater than that which would be permitted by Chapter 1317. of the Revised Code had a single agreement been used.

Sec. 1321.57. (A) Notwithstanding any other provisions of the Revised Code, a registrant may contract for and receive interest, calculated according to the actuarial method, at a rate or rates not exceeding twenty-one per cent per year on the unpaid principal balances of the loan. Loans may be interest-bearing or precomputed.

(B) For purposes of computation of time on interest-bearing and precomputed loans, including, but not limited to, the calculation of interest, a month is considered one-twelfth of a year, and a day is considered one three hundred sixty-fifth of a year when calculation is made for a fraction of a month. A year is as defined in section 1.44 of the Revised Code. A month is that period described in section 1.45 of the Revised Code.

(C) With respect to interest-bearing loans:

(1)(a) Interest shall be computed on unpaid principal balances outstanding from time to time, for the time outstanding.

(b) As an alternative to the method of computing interest set forth in division (C)(1)(a) of this section, a registrant, if the loan contract so provides, may charge and collect interest for the first installment period based on elapsed time from the date of the loan to the first scheduled payment due date, and for each succeeding installment period from the scheduled payment due date to the next scheduled payment due date, regardless of the date or dates the payments are actually made.

(c) Whether a registrant computes interest pursuant to division (C)(1)(a) or (b) of this section, each payment shall be applied first to unpaid charges, then to interest, and the remainder to the unpaid principal balance. However, if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and is not added to the principal balance.

(2) Interest shall not be compounded or paid in advance. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such new loan contract may include any unpaid interest that has accrued. The resulting loan contract shall be deemed a new and separate loan transaction for purposes of this section. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in division (D)(3) of this section.

(D) With respect to precomputed loans:

(1) Loans shall be repayable in monthly installments of principal and interest combined, except that the first installment period may exceed one month by not more than fifteen days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days; and provided further that monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until maturity of the loan. A registrant may charge interest after the original or deferred maturity of a precomputed loan at the rate specified in division (A) of this section on all unpaid principal balances for the time outstanding.

(3) When any loan contract is paid in full by cash, renewal, refinancing, or a new loan, one month or more before the final installment due date, the registrant shall refund, or credit the borrower with, the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, that follow the day of prepayment. If the prepayment is made other than on a scheduled installment due date, the nearest scheduled installment due date shall be used in such computation. If the prepayment occurs prior to the first installment due date, the registrant may retain one-thirtieth of the applicable charge for a first installment period of one month for each day from date of loan to date of prepayment, and shall refund, or credit the borrower with, the balance of the total interest contracted for. If the maturity of the loan is accelerated for any reason and judgment is entered, the registrant shall credit the borrower with the same refund as if prepayment in full had been made on the date the judgment is entered.

(4) If the parties agree in writing, either in the loan contract or in a subsequent agreement, to a deferment of wholly unpaid installments, a registrant may grant a deferment and may collect a deferment charge as provided in this section. A deferment postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled, or as previously deferred, for a period equal to the deferment period. The deferment period is that period during which no installment is scheduled to be paid by reason of the deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred installment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period.

If a loan is prepaid in full during a deferment period, the registrant shall make, or credit to the borrower, a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(E) A registrant, at the request of the borrower, may obtain, on one or more borrowers, credit life insurance, credit accident and health insurance, and unemployment insurance. The premium or identifiable charge for the insurance may be included in the principal amount of the loan and may not exceed the premium rate filed by the insurer with the superintendent of insurance and not disapproved by the superintendent. If a registrant obtains the insurance at the request of the borrower, the borrower shall have the right to cancel the insurance for a period of twenty-five days after the loan is made. If the borrower chooses to cancel the insurance, the borrower shall give the registrant written notice of this choice and shall return all of the policies or certificates of insurance or notices of proposed insurance to the registrant during such period, and the full premium or identifiable charge for the insurance shall be refunded to the borrower by the registrant. If the borrower requests, in the notice to cancel the insurance, that this refund be applied to reduce the balance of a precomputed loan, the registrant shall credit the amount of the refund plus the amount of interest applicable to the refund to the loan balance.

(F) A registrant may require the borrower to provide insurance or a loss payable endorsement covering reasonable risks of loss, damage, and destruction of property used as security for the loan and with the consent of the borrower such insurance may cover property other than that which is security for the loan. The amount and term of required property insurance shall be reasonable in relation to the amount and term of the loan contract and the type and value of the security, and the insurance shall be procured in accordance with the insurance laws of this state. The purchase of this insurance through the registrant or an agent or broker designated by the registrant shall not be a condition precedent to the granting of the loan. If the borrower purchases the insurance from or through the registrant or from another source, the premium may be included in the principal amount of the loan.

(G) On loans secured by an interest in real estate, ~~a~~ all of the following apply:

(1) A registrant may charge and receive up to two points, and a prepayment penalty not in excess of one per cent of the original principal amount of the loan. Points may be paid by the borrower at the time of the loan or may be included in the principal amount of the loan. On a

refinancing, a registrant may not charge under ~~this~~ division (G)(1) of this section either points within one year from the date of a prior loan on which points were charged or a prepayment penalty. ~~This division~~

(2) As an alternative to the prepayment penalty described in division (G)(1) of this section, a registrant may contract for, charge, and receive the prepayment penalty described in division (G)(2) of this section for the prepayment of a loan prior to three years after the date the loan contract is executed. This prepayment penalty shall not exceed three per cent of the original principal amount of the loan If the loan is paid in full prior to one year after the date the loan contract is executed. The penalty shall not exceed two per cent of the original principal amount of the loan If the loan is paid in full at any time from one year, but prior to two years, after the date the loan contract is executed. The penalty shall not exceed one per cent of the original principal amount of the loan If the loan is paid in full at any time from two years, but prior to three years, after the date the loan contract is executed. A registrant shall not charge or receive a prepayment penalty under division (G)(2) of this section if any of the following applies:

(a) The loan is a refinancing by the same registrant or a registrant to whom the loan has been assigned;

(b) The loan is paid in full as a result of the sale of the real estate that secures the loan;

(c) The loan is paid in full with the proceeds of an insurance claim against an insurance policy that insures the life of the borrower or an insurance policy that covers loss, damage, or destruction of the real estate that secures the loan.

(3) Division (G) of this section is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note.

(H)(1) In addition to the interest and charges provided for by this section, no further or other amount, whether in the form of broker fees, placement fees, or any other fees whatsoever, shall be charged or received by the registrant, except costs and disbursements to which the registrant may become entitled by law in connection with any suit to collect a loan or any lawful activity to realize on a security interest or mortgage after default, and except the following additional charges which may be included in the principal amount of the loan or collected at any time after the loan is made:

(a) The amounts of fees authorized by law to record, file, or release security interests and mortgages on a loan;

(b) With respect to a loan secured by an interest in real estate, the

following closing costs, if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this section:

(i) Fees or premiums for title examination, abstract of title, title insurance, surveys, or similar purposes;

(ii) If not paid to the registrant, an employee of the registrant, or a person related to the registrant, fees for preparation of a mortgage, settlement statement, or other documents, fees for notarizing mortgages and other documents, and appraisal fees;

(c) Fees for credit investigations not exceeding ten dollars.

(2) Division (H)(1) of this section does not limit the rights of registrants to engage in other transactions with borrowers, provided the transactions are not a condition of the loan.

(I) If the loan contract or security instrument contains covenants by the borrower to perform certain duties pertaining to insuring or preserving security and the registrant pursuant to the loan contract or security instrument pays for performance of the duties on behalf of the borrower, the registrant may add the amounts paid to the unpaid principal balance of the loan or collect them separately. A charge for interest may be made for sums advanced not exceeding the rate of interest permitted by division (A) of this section. Within a reasonable time after advancing a sum, the registrant shall notify the borrower in writing of the amount advanced, any interest charged with respect to the amount advanced, any revised payment schedule, and shall include a brief description of the reason for the advance.

(J) In addition to points authorized under division (G) of this section, a registrant may charge and receive, on loans in the principal amount of less than five hundred dollars, loan origination charges not exceeding fifteen dollars; on loans in the principal amount of at least five hundred dollars but less than one thousand dollars, loan origination charges not exceeding thirty dollars; on loans in the principal amount of at least one thousand dollars but less than two thousand dollars, loan origination charges not exceeding sixty-five dollars; and on loans in the principal amount of at least two thousand dollars, loan origination charges not exceeding the greater of one hundred fifty dollars or one per cent of the principal amount of the loan. However, on unsecured loans in the principal amount of less than five thousand dollars, the loan origination charge shall not exceed one hundred dollars. A registrant may not impose loan origination charges on a borrower more frequently than once in any ninety-day period. Loan origination charges may be paid by the borrower at the time of the loan or may be included in the principal amount of the loan.

(K) A registrant may charge and receive check collection charges not

greater than twenty dollars plus any amount passed on from other financial institutions for each check, negotiable order of withdrawal, share draft, or other negotiable instrument returned or dishonored for any reason.

(L) If the loan contract so provides, a registrant may collect a default charge on any installment not paid in full within ten days after its due date. For this purpose, all installments are considered paid in the order in which they become due. Any amounts applied to an outstanding loan balance as a result of voluntary release of a security interest, sale of security on the loan, or cancellation of insurance shall be considered payments on the loan, unless the parties otherwise agree in writing at the time the amounts are applied. The amount of the default charge shall not exceed the greater of five per cent of the scheduled installment or fifteen dollars.

Sec. 1322.02. (A) No person, on the person's own behalf or on behalf of any other person, shall act as a mortgage broker without first having obtained a certificate of registration from the superintendent of financial institutions for every office to be maintained by the person for the transaction of business as a mortgage broker in this state. A registrant shall maintain an office location in this state for the transaction of business as a mortgage broker in this state.

(B) ~~No registrant or employee of a registrant shall originate a mortgage loan, unless the mortgage loan is originated at a location where the registrant's certificate of registration is maintained, and where the registrant or the employee of the registrant regularly transacts mortgage broker business.~~

~~(C)~~ No person shall originate mortgage loans for a registrant, unless that person is an employee of the registrant.

~~(D)~~(C) As used in this section:

(1) "Employee" means a person who may be required or directed by a registrant to originate mortgage loans in consideration of direct or indirect gain or profit. "Employee" does not include an independent contractor or any person who has a similar employment relationship with a mortgage broker.

(2) "Originate" means any of the following:

(a) To negotiate or arrange, or to offer to negotiate or arrange, a mortgage loan between a person that makes or funds mortgage loans and a buyer;

(b) To issue a commitment for a mortgage loan to a buyer;

(c) To place, assist in placement, or find a mortgage loan for a buyer.

Sec. 1322.10. (A) After notice and opportunity for a hearing conducted in accordance with Chapter 119. of the Revised Code, the superintendent of

financial institutions may do the following:

(1) Suspend, revoke, or refuse to issue or renew a certificate of registration if the superintendent finds a violation of division (B) of section ~~1322.02 or~~ 1322.06~~,~~ or section 1322.05, 1322.07, 1322.08, or 1322.09 of the Revised Code or the rules adopted under those sections;

(2) Impose a fine of not more than one thousand dollars, for each day a violation of a law or rule is committed, repeated, or continued. If the registrant engages in a pattern of repeated violations of a law or rule, the superintendent may impose a fine of not more than two thousand dollars for each day the violation is committed, repeated, or continued. All fines collected pursuant to this division shall be paid to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code. In determining the amount of a fine to be imposed pursuant to this division, the superintendent shall consider all of the following:

(a) The seriousness of the violation;

(b) The registrant's good faith efforts to prevent the violation;

(c) The registrant's history regarding violations and compliance with division orders;

(d) The registrant's financial resources;

(e) Any other matters the superintendent considers appropriate in enforcing sections 1322.01 to 1322.12 of the Revised Code.

(B) The superintendent may investigate alleged violations of section 1322.01 to 1322.12 of the Revised Code or the rules adopted under those sections or complaints concerning any such violation. The superintendent may make application to the court of common pleas for an order enjoining any such violation, and, upon a showing by the superintendent that a person has committed or is about to commit such a violation, the court shall grant an injunction, restraining order, or other appropriate relief.

(C) In conducting any investigation pursuant to this section, the superintendent may compel, by subpoena, witnesses to testify in relation to any matter over which the superintendent has jurisdiction and may require the production of any book, record, or other document pertaining to that matter. If a person fails to file any statement or report, obey any subpoena, give testimony, produce any book, record, or other document as required by a subpoena, or permit photocopying of any book, record, or other document subpoenaed, the court of common pleas of any county in this state, upon application made to it by the superintendent, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

(D) If the superintendent determines that a person is engaged in or is believed to be engaged in activities that may constitute a violation of sections 1322.01 to 1322.12 of the Revised Code, the superintendent, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, may issue a cease and desist order. Such an order shall be enforceable in the court of common pleas.

Sec. 1501.01. Except where otherwise expressly provided, the director of natural resources shall formulate and institute all the policies and programs of the department of natural resources. The chief of any division of the department shall not enter into any contract, agreement, or understanding unless it is approved by the director.

The director shall correlate and coordinate the work and activities of the divisions in ~~his~~ the department to eliminate unnecessary duplications of effort and overlapping of functions. The chiefs of the various divisions of the department shall meet with the director at least once each month at a time and place designated by the director.

The director may create advisory boards to any of those divisions in conformity with section 121.13 of the Revised Code.

The director may accept and expend gifts, devises, and bequests of money, lands, and other properties on behalf of the department or any division thereof under the terms set forth in section 9.20 of the Revised Code. Any political subdivision of this state may make contributions to the department for the use of the department or any division therein according to the terms of the contribution.

The director may publish and sell or otherwise distribute data, reports, and information.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.

Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is in addition to the authority provided by law for the appropriation of property by divisions of the department. The director of natural resources also may

acquire by purchase, lease, or otherwise such real and personal property rights or privileges in the name of the state as are necessary for the purposes of the department or any division therein. The director, with the approval of the governor and the attorney general, may sell, lease, or exchange portions of lands or property, real or personal, of any division of the department or grant easements or licenses for the use thereof, or enter into agreements for the sale of water from lands and waters under the administration or care of the department or any of its divisions, when the sale, lease, exchange, easement, agreement, or license for use is advantageous to the state, provided that such approval is not required for leases and contracts made under ~~sections~~ section 1507.12, if any, or section 1501.07, 1501.09, ~~1507.12,~~ or 1520.03 or Chapter 1523. of the Revised Code. Water may be sold from a reservoir only to the extent that the reservoir was designed to yield a supply of water for a purpose other than recreation or wildlife, and the water sold is in excess of that needed to maintain the reservoir for purposes of recreation or wildlife.

Money received from such sales, leases, easements, exchanges, agreements, or licenses for use, except revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, revenues required to be paid and credited pursuant to the bond proceeding applicable to obligations issued pursuant to section 154.22, and revenues generated under section 1520.05 of the Revised Code, shall be deposited in the state treasury to the credit of the fund of the division of the department having prior jurisdiction over the lands or property. If no such fund exists, the money shall be credited to the general revenue fund. All such money received from lands or properties administered by the division of wildlife shall be credited to the wildlife fund.

The director shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by the department or its employees prior to paying them to the treasurer of state under section 113.08 of the Revised Code.

The director shall cooperate with the nature conservancy, other nonprofit organizations, and the United States fish and wildlife service in order to secure protection of islands in the Ohio river and the wildlife and wildlife habitat of those islands.

Sec. 1501.25. (A) There is hereby created the Muskingum river advisory council consisting of the following members:

(1) Two members of the house of representatives, one from each party to be appointed by the speaker of the house of representatives after conferring with the minority leader of the house, and two members of the senate, one from each party to be appointed by the president of the senate after conferring with the minority leader of the senate;

(2) Four persons interested in the development of recreational and commercial uses of the Muskingum river, to be appointed by the governor;

(3) Two representatives of the department of natural resources to be appointed by the director of natural resources, one representative of the department of development to be appointed by the director of development, one representative of the environmental protection agency to be appointed by the director of environmental protection, one representative of the department of transportation to be appointed by the director of transportation, and one representative of the Ohio historical society to be appointed by the director of the society;

(4) Twelve persons to be appointed from the four counties through which the Muskingum river flows, who shall be appointed in the following manner. The board of county commissioners of Coshocton county shall appoint two members, and the mayor of the city of Coshocton shall appoint one member. The board of county commissioners of Muskingum county shall appoint two members, and the mayor of the city of Zanesville shall appoint one member. The board of county commissioners of Morgan county shall appoint two members, and the mayor of the city of McConnelsville shall appoint one member. The board of county commissioners of Washington county shall appoint two members, and the mayor of the city of Marietta shall appoint one member.

(5) One member representing the Muskingum watershed conservancy district, to be appointed by the board of directors of the district.

Members shall serve at the pleasure of their appointing authority. Vacancies shall be filled in the manner of the original appointment.

The council biennially shall elect from among its members a chairperson and a vice-chairperson. One of the representatives of the department of natural resources shall serve as secretary of the council unless a majority of the members elect another member to that position. The council shall meet at least once each year for the purpose of taking testimony from residents of the Muskingum river area, users of the river and adjacent lands, and the general public and may hold additional meetings at the call of the chairperson.

The chairperson may appoint members of the council and other persons to committees and study groups as needed.

The council shall submit an annual report to the general assembly, the governor, and the director of natural resources. The report shall include, without limitation, a description of the conditions of the Muskingum river area, a discussion of the council's activities, any recommendations for actions by the general assembly or any state agency that the council determines are needed, and estimates of the costs of those recommendations.

The department of natural resources shall provide staff assistance to the council as needed.

(B) The council may do any of the following:

(1) Provide coordination among political subdivisions, state agencies, and federal agencies involved in dredging, debris removal or disposal, and recreational, commercial, tourism, and economic development;

(2) Provide aid to civic groups and individuals who want to make improvements to the Muskingum river if the council determines that the improvements would be beneficial to the residents of the area and to the state;

(3) Provide information and planning aid to state and local agencies responsible for historic, commercial, and recreational development of the Muskingum river area, including without limitation, suggestions as to priorities for pending Muskingum river projects of the department of natural resources;

(4) Provide updated information to the United States army corps of engineers, the department of natural resources, and the Muskingum conservancy district established under Chapter 6101. of the Revised Code concerning potential hazards to flood control or navigation, erosion problems, debris accumulation, and deterioration of locks or dams.

Sec. 1507.01. There is hereby created in the department of natural resources the division of engineering to be administered by the chief engineer of the department, who shall be a professional engineer registered under Chapter 4733. of the Revised Code. The chief engineer shall do all of the following:

(A) Administer this chapter;

(B) Provide engineering, architectural, land surveying, and related administrative and maintenance support services to the other divisions in the department;

(C) Upon request of the director of natural resources, implement the department's capital improvement program and facility maintenance projects, including all associated engineering, architectural, design, contracting, surveying, inspection, and management responsibilities and requirements;

(D) With the approval of the director, act as contracting officer in departmental engineering, architectural, surveying, and construction matters regarding capital improvements except for those matters otherwise specifically provided for in law;

(E) ~~Administer~~ As long as the state retains ownership of the Burr Oak water system, administer, operate, and maintain the Burr Oak water system and, with the approval of the director, act as contracting agent in matters concerning that system;

(F) Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code;

(G) Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources;

(H) Coordinate the department's emergency response activities with the emergency management agency created in section ~~5915.02~~ 5502.22 of the Revised Code;

(I) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers;

(J) Subject to the approval of the director, employ professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees.

Sec. 1507.12. The chief engineer of the department of natural resources shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code specifying requirements and procedures for the provision of water service to water users and establishing a rate schedule, including related water service fees and late payment penalties, for the sale of water from the Burr Oak water system sufficient to meet the capital improvement and operating expenses of the system. The revenue derived from the sale of the water shall be deposited into the Burr Oak water system fund, which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. Money in the fund shall be used to pay the capital improvement and operating expenses of the Burr Oak water system. The chief engineer may enter into contracts with the Ohio water development authority, pursuant to Chapter 6121. of the Revised Code, to meet the capital improvement expenses of the Burr Oak water system.

The provisions of this section apply only as long as the state retains ownership of the Burr Oak water system and cease to apply if ownership of the Burr Oak water system is transferred from the state.

For the purposes of this chapter, "Burr Oak water system" means the Burr Oak water treatment plant and its transmission lines, storage tanks, and other appurtenances.

Sec. 1509.02. There is hereby created in the department of natural resources the division of oil and gas, which shall be administered by the chief of the division of oil and gas.

The chief shall not hold any other public office, nor shall ~~he~~ the chief be engaged in any occupation or business that might interfere with or be inconsistent with ~~his~~ the duties as chief.

All moneys collected by the chief pursuant to sections 1509.06, 1509.061, 1509.071, 1509.13, 1509.22, and 1509.222, ninety per cent of moneys received by the treasurer of state from the tax levied in divisions (A)(5) and (6) of section 5749.02, all civil penalties paid under section 1509.33, and, notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under divisions (A) and (B) of section 1509.99 of the Revised Code and fines imposed under divisions (C) and (D) of section 1509.99 of the Revised Code for all violations prosecuted by the attorney general and for violations prosecuted by prosecuting attorneys that do not involve the transportation of brine by vehicle shall be deposited into the state treasury to the credit of the oil and gas ~~permit~~ well fund, which is hereby created. Fines imposed under divisions (C) and (D) of section 1509.99 of the Revised Code for violations prosecuted by prosecuting attorneys that involve the transportation of brine by vehicle shall be paid to the county treasury of the county where the violation occurred.

The fund shall be used ~~only~~ for the purposes enumerated in division (B) of section 1509.071 of the Revised Code, for the expenses of the division associated with the administration of the "Natural Gas Policy Act of 1978," 92 Stat. 3358, 15 U.S.C. 3301, and for the division's other functions. The expenses of the division in excess of the moneys available in the fund shall be paid from general revenue fund appropriations to the department.

Sec. 1509.071. (A) When the chief of the division of oil and gas finds that an owner has failed to comply with the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules

forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture.

In lieu of total forfeiture, the surety, at its option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well ~~plugging~~ fund~~, which is hereby~~ created in section 1509.02 of the Revised Code. The fund shall be expended by the chief for the following purposes in addition to the other purposes specified in that section:

(1) In accordance with division (D) of this section, to plug wells or to restore the land surface properly as required in section 1509.072 of the Revised Code for which the bonds have been forfeited, for abandoned wells for which no funds are available to plug the wells in accordance with this chapter, or to use abandoned wells for the injection of oil or gas production wastes;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks.

Expenditures from the fund shall be made only for lawful purposes.

(C)(1) Upon determining that the owner of a well has failed to properly plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it or that a well is an abandoned well for which no funds are available to plug the well in accordance with this chapter, the chief shall do all of the following:

(a) Determine from the records in the office of the county recorder of the county in which the well is located the identity of the owner of the land on which the well is located, the identity of the owner of the oil or gas lease under which the well was drilled or the identity of each person owning an interest in the lease, and the identities of the persons having legal title to, or a lien upon, any of the equipment appurtenant to the well;

(b) Mail notice to the owner of the land on which the well is located informing the landowner that the well is to be plugged. If the owner of the oil or gas lease under which the well was drilled is different from the owner of the well or if any persons other than the owner of the well own interests in the lease, the chief also shall mail notice that the well is to be plugged to the owner of the lease or to each person owning an interest in the lease, as appropriate.

(c) Mail notice to each person having legal title to, or a lien upon, any equipment appurtenant to the well, informing the person that the well is to be plugged and offering the person the opportunity to plug the well and restore the land surface at the well site at the person's own expense in order to avoid forfeiture of the equipment to this state.

(2) If none of the persons described in division (C)(1)(c) of this section plugs the well within sixty days after the mailing of the notice required by that division, all equipment appurtenant to the well is hereby declared to be forfeited to this state without compensation and without the necessity for any action by the state for use to defray the cost of plugging and abandoning the well and restoring the land surface at the well site.

(D) Expenditures from the fund for the purpose of division (B)(1) of this section shall be made in accordance with either of the following:

(1) The expenditures may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. Agents or employees of persons contracting with the chief for the restoration, plugging, and injection projects may enter upon any land, public or private, for which a project has been approved by the controlling board and on which the well is located, for the purpose of performing the work. Prior to such entry, the chief shall give to the following persons written notice of the existence of a contract for a project to restore, plug, or inject oil or gas production wastes into a well, the names of the persons with whom the contract is made, and the date that the project will commence: the owner of the well, the owner of the land upon which the well is located, the owner or agents of adjoining land, and, if the well is located in the same township as or in a township adjacent to the excavations and workings of a mine and the owner or lessee of that mine has provided written notice identifying those townships to the chief at any time during the immediately preceding three years, the owner or lessee of the mine.

The chief periodically shall submit project proposals under division (D)(1) of this section to the controlling board, together with benefit and cost data and other pertinent information. Expenditures from the fund for the purpose of division (D)(1) of this section may be made only for restoration, plugging, or injection projects that are approved by the controlling board, and expenditures for a particular project may not exceed any limits set by the board.

(2)(a) The owner of the land on which a well is located who has received notice under division (C)(1)(b) of this section may plug the well and be reimbursed by the division for the reasonable cost of plugging the

well. In order to plug the well, the landowner shall submit an application to the chief on a form prescribed by the chief and approved by the technical advisory council on oil and gas created in section 1509.38 of the Revised Code. The application, at a minimum, shall require the landowner to provide the same information as is required to be included in the application for a permit to plug and abandon under section 1509.13 of the Revised Code. The application shall be accompanied by a copy of a proposed contract to plug the well prepared by a contractor regularly engaged in the business of plugging oil and gas wells. The proposed contract shall require the contractor to furnish all of the materials, equipment, work, and labor necessary to plug the well properly and shall specify the price for doing the work, including a credit for the equipment appurtenant to the well that was forfeited to the state through the operation of division (C)(2) of this section. The application also shall be accompanied by the permit fee required by section 1509.13 of the Revised Code unless the chief, in the chief's discretion, waives payment of the permit fee. ~~If the chief waives payment of the permit fee in connection with an application, the chief shall certify the amount of the fee to the director of budget and management for transfer from the oil and gas well plugging fund to the oil and gas permit fund created in section 1509.02 of the Revised Code.~~ The application constitutes an application for a permit to plug and abandon the well for the purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and accompanying proposed contract under division (D)(2)(a) of this section, the chief shall determine whether the plugging would comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it and whether the cost of the plugging under the proposed contract is reasonable. If the chief determines that the proposed plugging would comply with those requirements and that the proposed cost of the plugging is reasonable, the chief shall notify the landowner of that determination and issue to the landowner a permit to plug and abandon the well under section 1509.13 of the Revised Code. Upon approval of the application and proposed contract, the chief shall transfer ownership of the equipment appurtenant to the well to the landowner. The chief may disapprove an application submitted under division (D)(2)(a) of this section if the chief determines that the proposed plugging would not comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, that the cost of the plugging under the proposed contract is unreasonable, or that the proposed contract is not a bona fide, arms length contract.

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well. The plugging shall be completed within one hundred eight days after the landowner receives the notice of approval and permit.

(d) Upon determining that the plugging has been completed within the time required by division (D)(2)(c) of this section and has been completed in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, the chief shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well ~~plugging~~ fund. If the chief determines that the plugging was not completed within the required time or was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well ~~plugging~~ fund.

The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that correction of the applicable health or safety risk requires immediate action. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work.

(F) Contracts entered into by the chief under this section are not subject to either of the following:

(1) Chapter 4115. of the Revised Code;

(2) Section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten per cent of the amount of the contract.

(G) The owner of land on which a well is located who has received notice under division (C)(1)(b) of this section, in lieu of plugging the well in accordance with division (D)(2) of this section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met the financial responsibility requirements established under section 1509.07 of the Revised Code, subject to the approval of the chief. The transfer of ownership also shall be subject to the landowner's filing the appropriate forms required under this chapter and providing to the chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

(3) Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

Sec. 1513.30. There is hereby created in the state treasury the unreclaimed lands fund, to be administered by the chief of the division of mines and reclamation and used for the purpose of reclaiming land, public or private, affected by mining, or controlling mine drainage, for which no cash is held in the reclamation forfeiture fund created in section 1513.18 of the Revised Code or the surface mining reclamation fund created in section 1514.06 of the Revised Code, and also for the purpose of paying the expenses and compensation of the council on unreclaimed strip mined lands as required by section 1513.29 of the Revised Code.

In order to direct expenditures from the unreclaimed lands fund toward reclamation projects that fulfill priority needs and provide the greatest public benefits, the chief periodically shall submit to the council project proposals to be financed from the unreclaimed lands fund, together with

nefit and cost data and other pertinent information. For the purpose of selecting project areas and determining the boundaries of project areas, the council shall consider the feasibility, cost, and public benefits of reclaiming the areas, their potential for being mined, the availability of federal or other financial assistance for reclamation, and the geographic distribution of project areas to ensure fair distribution among affected areas.

The council shall give priority to areas where there is little or no likelihood of mining within the foreseeable future, reclamation is feasible at reasonable cost with available funds, and either of the following applies:

(A) The pollution of the waters of the state and damage to adjacent property are most severe and widespread;

(B) Reclamation will make possible public uses for soil, water, forest, or wildlife conservation or public recreation purposes, will facilitate orderly commercial or industrial site development, or will facilitate the use or improve the enjoyment of nearby public conservation or recreation lands.

At least two weeks before any meeting of the council on unreclaimed strip mined lands at which the chief will submit a project proposal, a project area will be selected, or the boundaries of a project area will be determined, the chief shall mail notice by first class mail to the board of county commissioners of the county and the board of township trustees of the township in which the proposed project lies and the chief executive and the legislative authority of each municipal corporation within the proposed project area. The chief also shall give reasonable notice to the news media in the county where the proposed project lies.

Expenditures from the unreclaimed lands fund for reclamation projects may be made only for projects that are within the boundaries of project areas approved by the council, and expenditures for a particular project may not exceed any applicable limits set by the council. Expenditures from the unreclaimed lands fund shall be made by the chief, with the approval of the director of natural resources.

The controlling board may transfer excess funds from the oil and gas well ~~plugging~~ fund created in section 1509.02 of the Revised Code, after recommendation by the council on unreclaimed strip mined lands, to meet deficiencies in the unreclaimed lands fund.

The chief may expend an amount not to exceed twenty per cent of the moneys credited annually by the treasurer of state to the unreclaimed lands fund for the purpose of administering the unreclaimed lands fund.

The chief may engage in cooperative projects under this section with any agency of the United States, appropriate state agencies, or state universities or colleges as defined in section 3345.27 of the Revised Code

and may transfer money from the fund, with the approval of the council, to other appropriate state agencies or to state universities or colleges in order to carry out the reclamation activities authorized by this section.

Sec. 1515.091. (A) As used in this section:

(1) "Receiving employee" means an employee of a soil and water conservation district who receives donated sick leave as authorized by this section.

(2) "Donating employee" means an employee of a soil and water conservation district who donates sick leave as authorized by this section.

(3) "Paid leave" has the same meaning as in section 124.391 of the Revised Code.

(4) "Full-time employee" means an employee of a soil and water conservation district whose regular hours of service for the district total forty hours per week or who renders any other standard of service accepted as full-time by the district.

(5) "Full-time limited hours employee" means an employee of a soil and water conservation district whose regular hours of service for the district total twenty-five to thirty-nine hours per week or who renders any other standard of service accepted as full-time limited hours by the district.

(B)(1) An employee of a soil and water conservation district is eligible to become a receiving employee if the employee is a full-time~~, regular~~ employee, or a full-time limited hours employee, who has completed the prescribed probationary period, has used up all accrued paid leave, and has been placed on an approved, unpaid, medical-related leave of absence for a period of at least thirty consecutive working days because of the employee's own serious illness or because of a serious illness of a member of the employee's immediate family.

(2) An employee who desires to become a receiving employee shall submit to the board of supervisors of the employing soil and water conservation district, along with a satisfactory physician's certification, a written request for donated sick leave. The board of supervisors shall determine whether the employee is eligible to become a receiving employee~~,~~ and shall approve the request if it determines the employee is eligible.

(C)(1) A board of supervisors that approves a request for an employee to become a receiving employee shall forward the approved application to a committee that the Ohio association of soil and water conservation district employees shall appoint to act as a clearinghouse for the donation of sick leave under this section. The committee shall post notice for not less than ten days informing all employees of soil and water conservation districts throughout the state that it has received an approved application to become a

receiving employee.

(2) A soil and water conservation district employee desiring to become a donating employee shall complete and submit a sick leave donation form to the employee's immediate supervisor within twenty days after the date of the initial posting of the notice described in division (C)(1) of this section. If the board of supervisors of the employing district of an employee desiring to become a donating employee approves the sick leave donation, the board shall forward to the committee, together with a check equal to the total value of the sick leave donation, a copy of the sick leave donation form, and the board shall notify the receiving employee regarding the donation.

(D) If the committee described in division (C)(1) of this section receives a sick leave donation form and a check from a board of supervisors, the committee shall deposit the check into an account that it shall establish to be used to dispense funds to the employing district of a receiving employee. The committee shall notify the board of supervisors of the employing district of a receiving employee of the amount of sick leave donated. The board of supervisors shall bill the committee during each pay period for the receiving employee's gross hourly wages in an amount that does not exceed the amount donated to the receiving employee. The board of supervisors, with the approval of the county auditor, shall provide for the deposit into its appropriate payroll account of any payments it receives for the benefit of a receiving employee.

(E) The donation and receipt of sick leave under this section is subject to all of the following:

(1) All donations of sick leave shall be voluntary.

(2) A donating employee is eligible to donate not less than eight hours and not more than eighty hours of sick leave during the same calendar year.

(3) The value of an hour of sick leave donated is the value of the donating employee's gross hourly wage. The number of hours received by a receiving employee from a donating employee shall be a number that, when multiplied by the receiving employee's gross hourly wage, equals the amount resulting when the donating employee's gross hourly wage is multiplied by the number of hours of sick leave donated.

(4) No paid leave shall accrue to a receiving employee for any compensation received through donated sick leave, and the receipt of donated sick leave does not affect the date on which a receiving employee first qualifies for continuation of health insurance coverage.

(5) If a receiving employee does not use all donated sick leave during the period of the employee's leave of absence, the unused balance shall ~~be returned, within three months after the end of the leave of absence and on a~~

~~prorated basis, to each donating employee who donated sick leave to the receiving employee~~ remain in the account that the committee described in division (C)(1) of this section established under division (D) of this section and shall be used to dispense funds in the future to the employing district of a receiving employee.

Sec. 1521.04. The chief of the division of water, with the approval of the director of natural resources, may make loans and grants from the water management fund created in section 1501.32 of the Revised Code to governmental agencies for water management, water supply improvements, and planning and may administer grants from the federal government and from other public or private sources for carrying out those functions and for the performance of any acts that may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program. Direct and indirect costs of administration may be paid from the water management fund.

The chief may use the water management fund to acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. ~~He~~ The chief may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid into the water management fund by governmental agencies and persons who are supplied with water by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of the construction, maintenance, and operation of those facilities. This section does not apply to the Burr Oak water system administered by the chief engineer of the department of natural resources under ~~Chapter 1507.~~ sections 1507.01 and 1507.12 of the Revised Code.

Sec. 1547.67. The division of watercraft, with the approval of the director of natural resources, may expend, for the purpose of assisting political subdivisions, conservancy districts, and state departments to establish or maintain and operate a marine patrol for the purpose of enforcing this chapter and Chapter 1548. of the Revised Code and rules adopted under ~~it~~ them and to provide emergency response to boating accidents on the water, such funds as are appropriated by the general assembly for that purpose~~,~~ and, in addition, such moneys from the waterways safety fund established in section 1547.75 of the Revised Code as determined to be necessary by the division ~~of watercraft~~ not to exceed ten per cent of all moneys accruing to the fund. In no case shall the grant to a political subdivision, conservancy district, or state department total more than ~~twenty-five~~ thirty thousand dollars in a calendar year. Moneys so

allocated may be used for the purchase, maintenance, and operation of vessels and marine equipment, educational materials, and personnel salaries~~,~~ that are necessary for enforcement of this chapter and Chapter 1548. of the Revised Code and rules adopted under ~~it,~~ them and to provide ~~for the public safety~~ emergency response to boating accidents on the water.

The division ~~of watercraft~~ shall disburse the moneys as provided in this section in accordance with its determination of need in the enforcement of this chapter and Chapter 1548. of the Revised Code and rules adopted under ~~it~~ them and shall disburse those moneys only on a ~~matching~~ cost share basis to supplement funds allocated by a political subdivision, conservancy district, or state department for that purpose. A grantee shall provide at least twenty-five per cent of the total program cost.

Sec. 1547.68. To assist political subdivisions, conservancy districts, state departments, or nonprofit organizations in establishing or participating in boating safety education programs, the division of watercraft, with the approval of the director of natural resources, may expend moneys appropriated by the general assembly for those purposes and, additionally, moneys from the waterways safety fund established in section 1547.75 of the Revised Code determined to be necessary by the division, but not to exceed ten per cent of all moneys accruing to the fund. In no case shall a grant to any one political subdivision, conservancy district, state department, or nonprofit organization total more than ~~fifteen~~ thirty thousand dollars in a calendar year. Moneys so allocated may be used for personnel salaries and training, materials, supplies, equipment, and related expenses needed to conduct boating education programs.

The division shall disburse the moneys as provided in this section in accordance with its determination of need in the enforcement of this chapter and rules adopted under it or for the establishment of or participation in a boating safety education program. The division shall disburse moneys only on a cost share basis. A grantee shall provide at least twenty-five per cent of the total program cost and may do so with cash, in-kind services or contributions, or ~~both~~ a combination. The cost share shall be allocated by a political subdivision, conservancy district, state department, or nonprofit organization for those purposes.

Sec. 1547.72. (A) The division of watercraft, whenever it considers it in the best interests of the state, and as an aid to lake commerce and navigation or recreational boating, may construct, maintain, repair, and operate refuge harbors and other projects for the harboring, mooring, docking, launching, and storing of light draft vessels, and marine recreational facilities. Subject to section 1547.77 of the Revised Code, those harbors, projects, and

facilities may be constructed on waters in this state. If a refuge harbor lies between the ~~shore line~~ shoreline and a harbor line established by the United States government so as to interfere with the wharfing out by a littoral owner to navigable waters, the littoral owner shall consent thereto in writing before the location and construction thereof.

The division may lease any space in those refuge harbors or other projects for the harboring, mooring, docking, launching, and storing of light draft vessels. The rental therefor shall be determined by the division.

(B) The division, with the approval of the director of natural resources, may expend for the acquisition of any rights in land; for the construction, maintenance, repair, and operation of refuge harbors and other projects for the harboring, mooring, docking, launching, and storing of light draft vessels, and marine recreational facilities on waters in this state; for planning, studies, surveys, and engineering therefor; or for the improvement of harbors, channels, and waterways to foster vessel safety, funds appropriated by the general assembly for those purposes and, in addition, moneys accruing to the waterways safety fund established in section 1547.75 of the Revised Code.

(C) The division, with the approval of the director, may distribute moneys for the purpose of administering federal assistance under the "Clean Vessel Act of 1992," 106 Stat. 5086, 33 U.S.C. 1322 note, to public and private entities for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities and for any other purpose provided under that act. Public and private entities that receive moneys under this division may charge fees at the facilities in accordance with guidelines established under the Clean Vessel Act of 1992.

Sec. 1555.12. In the event the moneys to the credit of the coal research and development bond service fund are insufficient to meet in full all payments of interest, principal, and charges for the retirement of obligations issued pursuant to Section 15 of Article VIII, Ohio Constitution, and section 1555.08 of the Revised Code due and payable during the current calendar year, except the principal of notes ~~which~~ that the commissioners of the sinking fund certify will be retired by the issuance of bonds or renewal notes or other obligations, the commissioners may on or before the fifteenth day of January of any such year or any time or times during such calendar year, but shall in any event within ten days prior to the time any such payments are due or prior to the date the payments required become due, certify to the treasurer of state the total amount of such payments of principal, interest, or charges, the amount of moneys to the credit of the bond service fund, and the amount of additional money necessary to be credited to the bond service

fund to meet in full the payment of such interest, principal, or charges when due.

Upon the receipt of such certification, or if on presentation for payment when due of either principal or interest on obligations issued pursuant to Section 15 of Article VIII, Ohio Constitution, and section 1555.08 of the Revised Code, there are insufficient moneys for payment of such principal and interest as certified to the treasurer of state, the treasurer of state shall, after making whatever transfers are required by divisions (C)(1), (2), and (3) of section 129.73 or section 5528.16 or 5528.36 of the Revised Code, transfer a sufficient amount to the bond service fund from the undistributed receipts derived from all excises and taxes of the state, except ad valorem taxes on personal property, income taxes, and fees, excises, or taxes relating to the registration, operation, or use of vehicles on the public highways, or to fuels used for propelling such vehicles, which excises and taxes, other than those excepted, are and shall be deemed to be levied, in addition to the purposes otherwise provided for by law, to provide in accordance with the provisions of this section for the payment of interest, principal, and charges on coal research and development general obligations, including bonds and notes, issued pursuant to Section 15 of Article VIII, Ohio Constitution, and section 1555.08 of the Revised Code, provided that the treasurer of state shall draw from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43, 4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.18, 5731.19, 5733.06, 5739.02, 5741.02, 5743.02, and 5743.32 of the Revised Code in proportion to the amount of undistributed revenues from each such tax remaining after the transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, and the public improvements bond retirement fund created by section 129.72 of the Revised Code, of such amount of those revenues as may be required by sections 129.55, 129.63, and 129.73 of the Revised Code to be so transferred, provided that the commissioners of the sinking fund ~~may~~, in any resolution authorizing the issuance of such coal research and development general obligations, may provide for the reservation of the right to have the undistributed revenues referred to in this paragraph applied first to such bonds or other obligations as may thereafter be issued and in priority to application thereof to the payment of the principal and interest on obligations authorized by this chapter, but such reservation shall not in any way qualify the obligation of the state, which shall be absolute and unconditional, to levy and collect at all times sufficient excises and taxes, other than those excepted in Section 2i of

Article VIII, Ohio Constitution, as will produce adequate revenues available for the payment of the principal and interest of such coal research and development general obligations.

Sec. 2108.021. (A) Every hospital shall develop and implement a written protocol for facilitating procurement of anatomical gifts in consultation with all recovery agencies that work with the hospital in procuring and realizing anatomical gifts. The protocol shall include provisions under which the hospital shall do all of the following:

(1) Enter into an agreement with an organ procurement organization that does all of the following:

(a) Provides for the hospital to give timely notice as provided in division (B) of this section that an individual's death is imminent or the individual has died in the hospital;

(b) Provides for the organ procurement organization to determine the medical suitability of the potential donor for organ donation;

(c) On notification by the hospital of the death or imminent death of a potential eye or tissue donor, provides for the organ procurement organization or third party described in division (B) of this section to notify in a timely manner the eye and tissue banks the hospital has agreements with under division (C) of this section;

(d) Unless an agreement the hospital has entered into with an eye bank or tissue bank under division (C) of this section provides for the eye or tissue bank to determine medical suitability of the potential donor for eye or tissue donation, provides for the organ procurement organization to determine medical suitability of each potential donor for eye and tissue donations.

(2) Collaborate with the organ procurement organization to establish a procedure for requesting organ, eye, or tissue donations that ensures the family of each potential donor is notified of the option to donate organs, eyes, or tissues, or to decline to donate;

(3) Encourage discretion and sensitivity with respect to the circumstances, opinions, and beliefs of the family of each potential donor;

(4) Cooperate with the organ procurement organization and an eye bank and a tissue bank to do all of the following:

(a) Educate staff on donation issues;

(b) Review death certificates and other records to improve identification of potential donors;

(c) Maintain the body of each potential donor while necessary testing and matching of potential donated organs, tissues, and eyes take place.

(B) An organ procurement organization, in consultation and agreement

with the eye banks and tissue banks the hospital has agreements with under division (C) of this section, may designate a third party to receive the notice required under division (A)(1)(a) of this section. If a third party is designated in accordance with this division, the agreement between the hospital and the organ procurement organization shall specify that the notice is to be given to the third party. If a third party is not designated in accordance with this division, the agreement between the hospital and the organ procurement organization shall require the hospital to give the notice to the organ procurement organization or a third party designated by the organ procurement organization.

(C) Each hospital shall Enter into an agreement with at least one eye bank and at least one tissue bank with which the hospital will cooperate to retrieve, process, preserve, store, and distribute all usable eyes and tissues that have been donated.

An agreement between a hospital and an eye bank may Provide for the eye bank to determine the medical suitability of each potential donor for eye donation. An agreement between a hospital and a tissue bank may provide for the tissue bank to determine the medical suitability of each potential donor for tissue donation.

Nothing in an agreement entered into under this division shall interfere with the procurement of organs under an agreement entered into under division (A)(1) of this section.

Sec. 2108.022. (A) A request to make a gift of appropriate parts of a patient's body shall be initiated by a person designated by the hospital, which may be either of the following:

(1) A representative of the organ procurement organization DESCRIBED in division (A)(1) of section 2108.021 of the Revised Code;

(2) An individual designated by the hospital who has completed a course on the procedure for approaching the family of a potential donor and requesting organ, eye, and tissue donations that is offered or approved by the organ procurement organization described in division (A)(1) of section 2108.021 of the Revised Code and designed in consultation with eye and tissue banks.

(B) A request to any of the persons described in division (B) of section 2108.02 of the Revised Code to make a gift of appropriate parts of a patient's body shall not be made if the organ procurement organization representative or the individual designated by the hospital has actual notice of contrary intentions by the patient or actual notice of opposition by any of the persons described in division (B) of section 2108.02 of the Revised Code.

Sec. 2108.15. There is hereby created in the state treasury the second chance trust fund. The fund shall consist of voluntary contributions deposited as provided in sections 4506.081, 4507.231, and 4507.501 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

The director of health shall use the money in the fund only for the following purposes:

(A) Development and implementation of a campaign that explains and promotes the second chance trust fund;

(B) Development and implementation of a statewide public education program about organ, tissue, and eye donation, including the informational material required to be provided under sections 4506.081, 4507.231, and 4507.501 of the Revised Code;

(C) Development and implementation of statewide donor awareness programs in secondary schools;

(D) Development and implementation of statewide programs to recognize donor families;

(E) Development of statewide hospital training programs to encourage and facilitate compliance with the provisions of ~~division (A) of~~ section 2108.021 of the Revised Code concerning circumstances under which an anatomical gift is required to be requested;

(F) Reimbursement of the bureau of motor vehicles for the administrative costs incurred in the performance of duties under sections 4506.081, 4507.231, and 4507.501 of the Revised Code.

(G) Payment of the compensation of a staff member of the department of health for the staff member's time spent monitoring hospital compliance with sections 2108.01 to 2108.09 of the Revised Code;

(H) ~~Reimbursement~~ Until December 31, 2000, reimbursement of board members for actual and necessary expenses incurred in the performance of official duties.

~~The~~ Until December 31, 2000, the director shall consider recommendations made by the second chance trust fund board pursuant to section 2108.16 of the Revised Code. ~~The~~ Until December 31, 2000, the director shall determine the appropriateness of and approve or disapprove projects recommended by the board for funding ~~and~~. On and after December 31, 2000, the director shall determine the appropriateness of and approve or disapprove projects. The director shall approve or disapprove the disbursement of money from the second chance trust fund.

Sec. 2151.55. When a private or governmental entity intends to place a child in a foster home in a county other than the county in which the child

resided at the time of being removed from home, a representative of the placing entity shall orally communicate the intended placement to the foster caregiver with whom the child is to be placed and, if the child will attend the schools of the district in which the foster home is located, a representative of the school district's board of education.

Sec. 2151.551. During the oral communication described in section 2151.55 of the Revised Code, the representative of the placing entity shall do the following:

(A) Discuss safety and well-being concerns regarding the child and, if the child attends school, the students, teachers, and personnel of the school;

(B) Provide the following information:

(1) A brief description of the reasons the child was removed from home;

(2) Services the child is receiving;

(3) The name of the contact person for the placing entity that is directly responsible for monitoring the child's placement;

(4) The telephone number of the placing entity and, if the child is in the temporary, permanent, or legal custody of a private or government entity other than the placing entity, the telephone number of the entity with custody;

(5) The previous school district attended by the child;

(6) The last known address of the child's parents.

Sec. 2151.552. No later than five days after a child described in section 2151.55 of the Revised Code is enrolled in school in the district described in that section, the placing entity shall provide in writing the information described in division (B) of section 2151.551 of the Revised Code to the school district and the child's foster caregiver.

Sec. 2151.553. Each school district board of education shall implement a procedure for receiving the information described in section 2151.552 of the Revised Code.

Sec. 2151.554. When a private or governmental entity places a child who has been adjudicated to be an unruly or delinquent child in a foster home in a county other than the county in which the child resided at the time of being removed from home, the placing entity shall provide the following information in writing to the juvenile court of the county in which the foster home is located:

(A) The information listed in divisions (B)(2) to (4) of section 2151.551 of the Revised Code;

(B) A brief description of the facts supporting the adjudication that the child is unruly or delinquent;

(C) The name and address of the foster caregiver;

(D) Safety and well-being concerns with respect to the child and community.

Sec. 2305.232. (A) No person who gives aid or advice in an emergency situation relating to the prevention of an imminent release of hazardous material, to the clean-up or disposal of hazardous material that has been released, or to the related mitigation of the effects of a release of hazardous material, nor the public or private employer of such a person, is liable in civil damages as a result of the aid or advice if all of the following apply:

(1) The aid or advice was given at the request of:

(a) A sheriff, the chief of police or other chief officer of the law enforcement agency of a municipal corporation, the chief of police of a township police district, the chief of a fire department, the state fire marshal, the director of environmental protection, the ~~chairman~~ chairperson of the public utilities commission, the superintendent of the state highway patrol, the ~~state~~ executive director of the emergency management agency, the chief executive of a municipal corporation, or the authorized representative of any such official, or the legislative authority of a township or county; or

(b) The owner or manufacturer of the hazardous material, an association of manufacturers of the hazardous material, or a hazardous material mutual aid group~~;~~.

(2) The person giving the aid or advice acted without anticipating remuneration for ~~himself~~ self or ~~his~~ the person's employer from the governmental official, authority, or agency that requested the aid or advice;

(3) The person giving the aid or advice was specially qualified by training or experience to give the aid or advice;

(4) Neither the person giving the aid or advice nor the public or private employer of the person giving the aid or advice was responsible for causing the release or threat of release nor would otherwise be liable for damages caused by the release;

(5) The person giving the aid or advice did not engage in willful, wanton, or reckless misconduct or grossly negligent conduct in giving the aid or advice;

(6) The person giving the aid or advice notified the emergency response section of the environmental protection agency prior to giving the aid or advice.

(B) The immunity conferred by this section does not limit the liability of any person whose action caused or contributed to the release of hazardous material. That person is liable for any enhancement of damages caused by the person giving aid or advice under this section unless the enhancement of damages was caused by the willful, wanton, or reckless misconduct or

grossly negligent conduct of the person giving aid or advice.

(C) This section does not apply to any person rendering care, assistance, or advice in response to a discharge of oil when that person's immunity from liability is subject to determination under section 2305.39 of the Revised Code.

(D) As used in this section:

(1) "Hazardous material" means any material designated as such under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1803, as amended.

(2) "Mutual aid group" means any group formed at the federal, state, regional, or local level whose members agree to respond to incidents involving hazardous material whether or not they shipped, transported, manufactured, or were at all connected with the hazardous material involved in a particular incident.

(3) "Discharge" and "oil" have the same meanings as in section 2305.39 of the Revised Code.

Sec. 2744.10. (A) As used in this section:

(1) "Computer services," "computer," "computer system," "computer network," "computer program," "computer software," and "data" have the same meanings as in section 2913.01 of the Revised Code.

(2) "Information technology system or product" includes a computer service, computer, computer system, computer network, or computer program, computer software, and data and also includes, but is not limited to, any software, firmware, microcode, hardware, embedded chips, or other system or product or any combination of those items that creates, reads, writes, calculates, compares, sequences, or otherwise processes date data.

(3) "State" and "political subdivision" have the same meaning as in section 2744.01 of the Revised Code.

(4) "Year 2000 compliant" means A COMPUTER SYSTEM OR SYSTEMS THAT ARE, OR WILL BE, CAPABLE OF ACCURATELY PROCESSING, STORING, PROVIDING AND RECEIVING DATE and time DATA FROM, INTO, AND BETWEEN THE TWENTIETH AND TWENTY-FIRST CENTURIES, INCLUDING THE YEARS 1999 AND 2000, AND LEAP-YEAR CALCULATIONS, WHEN USED ON A STAND-ALONE BASIS OR IN COMBINATION WITH OTHER HARDWARE, FIRMWARE, OR SOFTWARE, WITHOUT CREATING NEW ERRORS OR SIDE EFFECTS. The processing of date and time data includes, but is not limited to, calculating, comparing, projecting, and sequencing.

(B) THE STATE or A POLITICAL SUBDIVISION SHALL NOT BE

LIABLE in any civil action or proceedings FOR ANY DAMAGES CAUSED BY THE FAILURE OF any INFORMATION TECHNOLOGY SYSTEM OR PRODUCt provided or used by the state or the political subdivision TO BE YEAR 2000 compliant, unless the claimant proves, by clear and convincing evidence, that both of the following apply:

(1) The failure of the information technology system or product to be year 2000 compliant IS THE PROXIMATE CAUSE OF THE DAMAGES ALLEGED.

(2) THE STATE or the POLITICAL SUBDIVISION failed to make a good faith effort, prior to January 1, 2000, TO BECOME YEAR 2000 compliant.

(C) An action for damages against the state under this section shall be filed in the court of claims pursuant to Chapter 2743. of the Revised Code.

Sec. 2941.51. (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this section.

(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior to establishing such schedule, the board shall request the bar association or associations of the county to submit a proposed schedule. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners.

(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section.

(D) The fees and expenses approved by the court under this section shall not be taxed as part of the costs and shall be paid by the county. However, if the person represented has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount that the person reasonably can be expected to pay. Pursuant to section 120.04 of the Revised Code, the county

shall pay to the state public defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to the county by the state public defender pursuant to this section. The money paid to the state public defender shall be credited to the client payment fund created pursuant to division (B)(5) of section 120.04 of the Revised Code.

(E) The county auditor shall draw a warrant on the county treasurer for the payment of such counsel in the amount fixed by the court, plus the expenses that the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court under this section, separately stating costs and expenses that are reimbursable under section 120.35 of the Revised Code. The board, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. The request for reimbursement shall be accompanied by a financial disclosure form completed by each indigent person for whom counsel was provided on a form prescribed by the state public defender. The state public defender shall review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, pay fifty per cent of the total cost, other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, of paying appointed counsel in each county and pay fifty per cent of costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, to the board.

(F) If any county system for paying appointed counsel fails to maintain the standards for the conduct of the system established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 of the Revised Code or the standards established by the state public defender pursuant to division (B)(7) of section ~~102.04~~ 120.04 of the Revised Code, the commission shall notify the board of county commissioners of the county that the county system for paying appointed counsel has failed to comply with its rules. Unless the board corrects the conduct of its appointed counsel system to comply with the rules within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in this section.

Sec. 2949.17. (A) The sheriff may take one guard for every two convicted felons to be transported to a correctional institution. The trial judge may authorize a larger number of guards upon written application of

the sheriff, in which case a transcript of the order of the judge shall be certified by the clerk of the court of common pleas under the seal of the court, and the sheriff shall deliver the order with the convict to the person in charge of the correctional institution. ~~In~~

(B) In order to obtain reimbursement for the county for the expenses of transportation for indigent convicted felons, the clerk of the court of common pleas shall prepare a transportation cost bill for each indigent convicted felon transported pursuant to this section for an amount equal to ten cents a mile from the county seat to the state correctional institution and return for the sheriff and each of the guards and five cents a mile from the county seat to the state correctional institution for each prisoner. The number of miles shall be computed by the usual route of travel. The clerk's duties under this division are subject to division (B) of section 2949.19 of the Revised Code.

Sec. 2949.19. ~~The~~ (A) Subject to division (B) of this section, the clerk of the court of common pleas shall report to the state public defender all cases in which an indigent person was convicted of a felony, all cases in which reimbursement is required by section 2949.20 of the Revised Code, and all cost bills for transportation that are prepared pursuant to section 2949.17 of the Revised Code. The reports shall be filed for each fiscal quarter within thirty days after the end of the quarter on a form prescribed by the state public defender and shall be accompanied by a certification of a judge of the court that in all cases listed in the report the defendant was determined to be indigent and convicted of a felony or that the case is reported pursuant to section 2949.20 of the Revised Code and that for each transportation cost bill submitted pursuant to section 2949.17 of the Revised Code that the convicted felon was determined to be indigent. The state public defender shall review the reports received under this division and prepare a transportation cost voucher and a quarterly subsidy voucher for each county for the amounts ~~he~~ the state public defender finds to be correct. To compute the quarterly subsidy, the state public defender first shall subtract the total of all transportation cost vouchers that ~~he~~ the state public defender approves for payment for the quarter from one-fourth of ~~his~~ the state public defender's total appropriation for criminal costs subsidy for the fiscal year of which the quarter is part. ~~He~~ The state public defender then shall compute a base subsidy amount per case by dividing the remainder by the total number of cases from all counties ~~he~~ the state public defender approves for subsidy for the quarter. The quarterly subsidy voucher for each county shall then be the product of the base subsidy amount times the number of cases submitted by the county and approved for subsidy for the

quarter. Payment shall be made to the clerk.

The clerk shall keep a record of all cases submitted for the subsidy in which the defendant was bound over to the court of common pleas from the municipal court. Upon receipt of the quarterly subsidy, the clerk shall pay to the clerk of the municipal court, for municipal court costs in such cases, an amount that does not exceed fifteen dollars per case, shall pay foreign sheriffs for their services, and shall deposit the remainder of the subsidy to the credit of the general fund of the county. The clerk of the court of common pleas then shall stamp ~~his~~ the clerk's records "subsidy costs satisfied."

(B) If notified by the state public defender under section 2949.201 of the Revised Code that, for a specified state fiscal year, the general assembly has not appropriated funding for reimbursement payments pursuant to division (A) of this section, the clerk of the court of common pleas is exempt for that state fiscal year from the duties imposed upon the clerk by division (A) of this section and by sections 2949.17 and 2949.20 of the Revised Code. Upon providing the notice described in this division, the state public defender is exempt for that state fiscal year from the duties imposed upon the state public defender by division (A) of this section.

Sec. 2949.20. In any case of final judgment of reversal as provided in section 2953.07 of the Revised Code, whenever the state of Ohio is the appellee, the clerk of the court of common pleas of the county in which sentence was imposed shall certify the case to the state public defender for reimbursement in the report required by section 2949.19 of the Revised Code, subject to division (B) of section 2949.19 of the Revised Code.

Sec. 2949.201. (A) On or before the ~~first day of February of even-numbered years~~ date specified in division (B) of this section, in each state fiscal year, the state public defender shall ~~report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the office of budget and management, and the legislative budget office of the legislative service commission an estimate of the amount of money that will be required for the next fiscal biennium to make the~~ notify the clerk of the court of common pleas of each county whether the general assembly has, or has not, appropriated funding for that state fiscal year for reimbursement payments ~~required by~~ pursuant to division (A) of section 2949.19 of the Revised Code.

(B) The state public defender shall provide the NOTIFICATION required by division (A) of this section on or before whichever of the following dates is applicable:

(1) if, on the first day of july of the fiscal year in QUESTION, the main

operating appropriations act that covers that fiscal year is in effect, on or before the thirty-first day of july;

(2) if, on the first day of july of the fiscal year in QUESTION, the main operating appropriations act that covers that fiscal year is not in effect, on or before the day that is thirty days after the effective date of the main operating APPROPRIATIONS act that covers that fiscal year.

Sec. 3109.13. As used in sections 3109.13 to 3109.18 of the Revised Code, "child abuse and child neglect prevention programs" means programs designed to prevent child abuse and child neglect, including, but not limited to, any of the following:

(A) ~~Community-based public~~ Public awareness programs that pertain to child abuse or child neglect;

(B) Community-based ~~educational programs that pertain to prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, or coping with family stress;~~, family-focused support services and activities that do any of the following:

(1) Build parenting skills;

(2) Promote parental behaviors that lead to healthy and positive personal development of parents and children;

(3) Promote individual, family, and community strengths;

(4) Provide information, education, or health activities that promote the well-being of families and children.

(C) ~~Community-based programs that relate to care and treatment in child abuse or child neglect crisis situations; aid to parents who potentially may abuse or neglect their children; child abuse or child neglect counseling; support groups for parents who potentially may abuse or neglect their children, and support groups for their children; or early identification of families in which there is a potential for child abuse or child neglect;~~

~~(D)~~ Programs that train and place volunteers in programs that pertain to child abuse or child neglect~~;~~

~~(E) Programs that may develop and make available to boards of education curricula and educational materials on basic child care and parenting skills, or programs that would provide both teacher and volunteer training programs~~.

Sec. 3109.14. (A) As used in this section, "birth record" and "certification of birth" have the meanings given in section 3705.01 of the Revised Code.

(B)(1) The director of health, a person authorized by the director, a local commissioner of health, or a local registrar of vital statistics shall charge and collect for each certified copy of a birth record and for each certification of

birth a fee of two dollars, and for each copy of a death record a fee of two dollars, in addition to the fee imposed by section 3705.24 or any other section of the Revised Code. A local commissioner of health or a local registrar of vital statistics may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state.

(2) Upon the filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, a court of common pleas shall charge and collect a fee of ten dollars in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state.

(C) The additional fees collected, but not retained, under this section during each month shall be forwarded not later than the ~~twentieth~~ tenth day of the immediately following month to the treasurer of state, who shall deposit the fees in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall forward to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.

The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections ~~3109.17 and~~ 3109.13 to 3109.18 of the Revised Code.

Sec. 3109.15. There is hereby created within the department of human services the children's trust fund board consisting of ~~thirteen~~ fifteen members. The ~~director~~ directors of alcohol and drug addiction services, health, and ~~the director of~~ human services shall be members of the board. ~~Seven~~ Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this

e, and, to the extent practicable, shall be representative of the following categories: the educational community; the legal community; the social work community; the medical community; the voluntary sector; and professional providers of child abuse and child neglect services. Five of these members shall be residents of counties where the population exceeds four hundred thousand; no more than one such member shall be a resident of the same county. Two members of the board shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two members of the board shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. All members of the board appointed by the speaker of the house of representatives or the president of the senate shall serve until the expiration of the sessions of the general assembly during which they were appointed. They may be reappointed to an unlimited number of successive terms of two years at the pleasure of the speaker of the house of representatives or president of the senate. ~~Of the public members first appointed, three shall serve for terms of four years; two shall serve for terms of three years; and two shall serve for terms of two years. Thereafter, public~~ Public members shall serve terms of three years. Each member shall serve until ~~his~~ the member's successor is appointed. No public member may serve more than two consecutive terms, regardless of whether such terms were full or partial terms. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

Any ~~public~~ member of the board may be removed by the ~~governor~~ member's appointing authority for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in ~~his~~ the member's own behalf. Pursuant to section 3.17 of the Revised Code, a member, except a member of the general assembly or a judge of any court in the state, who fails to attend at least three-fifths of the regular and special meetings held by the board during any two-year period forfeits the member's position on the board.

Each member of the board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred ~~by him~~ in the ~~performace~~ PERFORMANCE of ~~his~~ official duties.

The speaker of the house of representatives and the president of the senate shall jointly appoint the board ~~chairman~~ chairperson from among the legislative members of the board.

Sec. 3109.16. The children's trust fund board, upon the recommendation of the director of human services, shall approve the employment of the staff

that will administer the programs of the board. The department of human services shall provide budgetary, procurement, accounting, and other related management functions for the board. An amount not to exceed ~~three~~ five per cent of the total amount of fees deposited in the children's trust fund in each fiscal year may be used for costs directly related to these administrative functions of the department. ~~With the approval of the board, an amount exceeding three per cent, but not exceeding four per cent, of the total amount of fees credited to the fund in each~~ Each fiscal year ~~may be used~~, the board shall approve a budget for ~~costs directly related to these~~ administrative ~~functions~~ expenditures for the next fiscal year.

The board shall meet at the call of the ~~chairman~~ chairperson to conduct its official business. All business transactions of the board shall be conducted in public meetings. ~~The votes of at least seven board~~ Eight members ~~are~~ of the board constitute a quorum. A majority of the quorum is required to approve the state plan for the allocation of funds from the children's trust fund.

The board may apply for and accept federal and other funds for the ~~purposes~~ purpose of ~~sections 3109.13 to 3109.18 of the Revised Code~~ funding child abuse and child neglect prevention programs. In addition, the board may accept gifts and donations from any source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments. The acceptance and use of federal funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.

Sec. 3109.17. (A) For each fiscal biennium ~~beginning on the first day of July of each odd-numbered year~~, the children's trust fund board shall establish a biennial state plan for ~~the allocation of funds in the children's trust fund. The plan shall ensure that equal opportunity exists for the establishment of child abuse and child neglect prevention programs and the use of moneys from the fund to provide assistance in all geographic areas of this state and to provide assistance to members of all social and economic groups of this state~~ comprehensive child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public.

(B) In developing and carrying out ~~a~~ the state plan, the children's trust fund board shall, in accordance with Chapter 119. of the Revised Code, do

all of the following:

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) Before the thirtieth day of October of each year, notify each child abuse and child neglect prevention advisory board of the amount estimated to be block granted to that advisory board for the following fiscal year.

(3) Develop ~~and adopt the state plan for the allocation of funds and develop~~ criteria~~, including standards for cost and program effectiveness,~~ for county or district comprehensive allocation plans ~~and for individual projects in counties or districts that do not have a child abuse and child neglect advisory board~~, including criteria for determining the plans' effectiveness;

~~(2) Establish criteria, including standards for cost and program effectiveness, for child abuse and child neglect prevention programs;~~

~~(3) Make grants to public or private agencies or schools for the purpose of child abuse and child neglect prevention programs. The board may consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of volunteers. Children's trust fund moneys shall be allocated among all counties according to a formula based on the ratio of the number of children under the age of eighteen in the county to the number of children under the age of eighteen in the state, as shown in the most recent federal decennial census of population; provided, that each county receiving trust fund moneys shall receive a minimum of ten thousand dollars per funding year.~~

(4) ~~Approve each~~ Review county or district comprehensive allocation ~~plan and individual project in whole or in part if it is in compliance with the criteria established under this section and under section 3109.18 of the Revised Code. If an allocation plan or individual project is rejected in whole or in part, the board shall:~~

~~(a) Cite specific reasons for rejection;~~

~~(b) When appropriate, offer recommendations and technical assistance to bring the plan or project into compliance, holding the funds until the plan or project is finally approved or rejected.~~

~~(5) Notify each advisory board or individual applicant in writing whether the allocation plan or individual project has been approved in whole or in part not later than sixty days after submission of the plan or project to the children's trust fund board~~ plans;

~~(6) Regularly review and monitor the expenditure of moneys~~

(5) Make a block grant to each child abuse and child neglect prevention

advisory board for the purpose of funding child abuse and child neglect prevention programs. The block grants shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds, a minimum of ten thousand dollars per fiscal year for each county in the district. Block grants shall be disbursed to the advisory boards twice annually. At least fifty per cent of the amount of the block grant allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the block grant allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March.

If the children's trust fund board determines, based on county or district performance or on the annual report submitted by an advisory board, that the advisory board is not operating in accordance with the criteria established in division (B)(3) of this section, it may revise the allocation of funds that the advisory board receives.

(6) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

(7) ~~Consult~~ Establish reporting requirements for advisory boards;

(8) Collaborate with appropriate ~~state agencies to help determine the probable effectiveness and fiscal soundness of and need for proposed community-based child abuse and child neglect prevention programs;~~

~~(8) Facilitate~~ persons and government entities and facilitate the exchange of information ~~between groups concerned with programs for children in this state~~ among those persons and entities for the purpose of child abuse and child neglect prevention;

(9) Provide for ~~statewide educational and~~ the education of the public ~~informational conferences~~ and ~~workshops~~ professionals for the purpose of ~~developing appropriate public awareness regarding the problems of families and children, encouraging professional persons and groups to recognize and deal with problems of families and children, making information regarding the problems of families and children and the prevention of these problems available to the general public in order to encourage citizens to become involved in the prevention of such problems, and encouraging the development of community~~ child abuse and child neglect prevention

~~grams;~~

~~(10) Establish a procedure for a written annual internal evaluation of the functions, responsibilities, and performance of the board. The evaluation shall be coordinated with the state plan. The evaluation shall be transmitted to the governor, the president of the senate, and the speaker of the house of representatives and shall be made available to the general public~~.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that evaluates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

(D) In addition to the duties described in this section and in section 3109.16 of the Revised Code, the children's trust fund board shall perform the duties described in section 121.371 of the Revised Code with regard to the wellness block grant program.

Sec. 3109.18. (A) ~~Each~~ (1) A board of county commissioners ~~in the following counties shall establish a child abuse and child neglect advisory board: Cuyahoga, Franklin, Hamilton, Lucas, Montgomery, and Summit. The boards of county commissioners of the remaining counties~~ may establish a child abuse and child neglect prevention advisory board or ~~the~~ may designate the county family and children first council to serve as the child abuse and child neglect prevention advisory board. The boards of county commissioners of two or more contiguous counties may instead form a multicounty district to be served by a ~~multicounty~~ child abuse and child neglect prevention advisory board or may designate a regional family and children first council to serve as the district child abuse and child neglect prevention advisory board. Each advisory board shall meet at least twice a year.

~~Each~~

(2) The county auditor is hereby designated as the auditor and fiscal officer of the advisory board. In the case of a multicounty district, the boards of county commissioners that formed the district shall designate the auditor of one of the counties as the auditor and fiscal officer of the advisory board.

(B) Each county that establishes an advisory board or, in a multicounty district, the county the auditor of which has been designated as the auditor and fiscal agent of the advisory board, shall establish a fund in the county treasury known as the county or district children's trust fund. The advisory board shall deposit all funds received from the children's trust fund board

into that fund, and the auditor shall distribute money from the fund at the request of the advisory board.

(C) Each January, the board of county commissioners of a county that has established an advisory board or, in a multicounty district, the board of county commissioners of the county the auditor of which has been designated as the auditor and fiscal agent for the advisory board, shall appropriate the amount described in division (B)(2) of section 3109.17 of the Revised Code for distribution by the advisory board to child abuse and child neglect prevention programs.

(D)(1) Except in the case of a county or regional family and children first council that is designated to serve as a child abuse and child neglect prevention advisory board, each advisory board shall consist of an odd number of members ~~who represent~~ from both the public and private ~~child serving agencies~~ sectors, ~~and~~ including all of the following:

(a) A representative of an agency responsible for the administration of children's services in the county or district;

(b) A provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;

(c) A provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;

(d) A representative of a board of mental retardation and developmental disabilities that serves the county or district;

(e) A representative of the educational community appointed by the superintendent of the school district with largest enrollment in the county or multicounty district.

(2) The following groups and entities may be represented on the advisory board:

(a) Parent groups;

(b) Juvenile justice officials;

(c) Pediatricians, health department nurses, and other representatives of the medical community;

(d) School personnel;

(e) Counselors;

(f) Head start agencies;

(g) Child day-care providers;

(h) Other persons with demonstrated knowledge in programs for children~~, such as persons from the educational community, parent groups, juvenile justice, and the medical community~~.

(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member shall serve a term of three years. Each member shall serve until ~~his~~ the member's successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment. ~~Each board shall meet at least quarterly.~~

(E) Each board of county commissioners may incur reasonable costs not to exceed three per cent of the ~~funding~~ block grant allocated to the county or district under section 3109.17 of the Revised Code, for the purpose of carrying out the functions of the advisory board.

~~(B) Annually, each~~ (F) Each child abuse and child neglect prevention advisory board shall do all of the following:

(1) ~~Give effective public notice to all~~ Develop a comprehensive allocation plan for the purpose of preventing child abuse and child neglect and submit the plan to the children's trust fund board;

(2) Notify potential applicants about the availability of funds from the children's trust fund~~. The notification shall include an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, the deadline for submitting applications for grants, and information on obtaining a copy of the application form~~;

~~(2)~~(3) Review all applications received using ~~criteria established by the children's trust fund board under section 3109.17 of the Revised Code and~~ any criteria developed by the child abuse and child neglect prevention advisory board~~, and develop an allocation plan for the county or district;~~

~~(3) Submit the allocation plan to the children's trust fund board, with evidence of compliance with this section and with section 3109.17 of the Revised Code~~;

(4) ~~Upon notification by the children's trust fund board that the allocation plan is in compliance with the criteria established by the boards, monitor the operation of the allocation plan;~~ Consistent with the plan developed pursuant to division (F)(1) of this section, make grants to child abuse and child neglect prevention programs. In making grants to child abuse and child neglect prevention programs, the advisory board may consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of volunteers.

(5) Establish ~~procedures for evaluating programs in the county or district, including~~ reporting requirements for grant recipients.

~~Applicants from counties that are not served by a child abuse and child~~

~~neglect~~ (G) Each advisory board shall ~~apply for funding to~~ assist the children's trust fund board in monitoring programs that receive money from the children's trust fund and shall perform such other duties for the local administration of the children's trust fund as the children's trust fund board requires.

~~(C)~~(H) A recipient of a grant from the children's trust fund shall use the grant funds only to fund child abuse and child neglect prevention programs. ~~A recipient of a grant may use the grant funds only for the expansion of existing programs or the creation of new programs.~~ Any

~~Any~~ grant funds that are not spent by ~~the counties or~~ the recipient of the funds within the time specified by the terms of the grant shall be returned to the county treasurer. Any grant funds returned that are not redistributed by the advisory board within the time specified by the terms of the original grant shall be returned to the treasurer of state. The treasurer of state shall deposit such unspent moneys into the children's trust fund to be spent for purposes consistent with the state plan adopted under section 3109.17 of the Revised Code.

~~(D)~~(I) Applications for grants from the children's trust fund shall be made to the advisory board on forms prescribed by the department of human services ~~and, after any review required by division (B) of this section, shall be submitted to the children's trust fund board by the date required in the schedule established by rules adopted by the board. Each application shall include at least the following:~~

~~(1) Information showing that the applicant meets the eligibility requirements of section 3109.17 of the Revised Code;~~

~~(2) If the applicant is a corporation, a list of the trustees of the corporation;~~

~~(3) A specification of the amount of money requested;~~

~~(4) A summary of the program that the applicant intends to provide with funds from the grant;~~

~~(5) Any other information required by rules adopted by the children's trust fund board~~.

(J)(1) Each recipient of a children's trust fund grant from ~~the children's trust fund~~ an advisory board shall file ~~two copies~~ with the advisory board a copy of an annual report ~~with the county or district~~ that includes the information required by the advisory board. ~~If no such~~

(2) Each advisory board ~~serves the recipient's county of residence, the recipient~~ shall file ~~two copies of an annual report~~ with the children's trust fund board~~. The~~ A copy of an annual report ~~shall describe the program provided by the recipient, indicate the manner in which the grant funds were~~

~~expended, include the results of an independent audit of the funds, and include other~~ regarding the county or district comprehensive allocation plan that contains the information ~~that~~ required by the ~~granting~~ children's trust fund board ~~or the department may require. If a public agency is a recipient of a grant, the results of the most recent audit of the funds conducted under Chapter 117. of the Revised Code shall be considered to be the results of the independent audit of the funds that must be included in the annual report. The granting boards shall annually file one copy of each annual report with the department, which shall compile the reports received pursuant to this section~~.

Sec. 3301.68. There is hereby created the legislative committee on education oversight as a subcommittee of the legislative service commission. The committee shall consist of five members of the house of representatives appointed by the speaker of the house of representatives and five members of the senate appointed by the president of the senate. Not more than three of the members appointed from each house shall be members of the same political party. Members shall serve during the term of office to which they were elected.

The committee, subject to the oversight and direction of the legislative service commission, shall direct the work of the legislative office of education oversight, which is hereby established. The committee may employ a staff director and such other staff as are necessary for the operation of the office, who shall be in the unclassified service of the state, and may contract for the services of whatever technical advisors are necessary for the committee and the office to carry out their duties.

The ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the legislative service commission shall fix the compensation of the director. The director, with the approval of the director of the legislative service commission, shall fix the compensation of other staff of the office in accordance with a salary schedule established by the director of the legislative service commission. Contracts for the services of necessary technical advisors shall be approved by the director of the legislative service commission.

All expenses incurred by the committee or office shall be paid upon vouchers approved by the ~~chairman~~ chairperson of the committee. The committee shall adopt rules for the conduct of its business and the election of officers, except that the ~~chairmanship~~ office of chairperson of the committee shall alternate each general assembly between a member of the house of representatives selected by the speaker and a member of the senate selected by the president.

The committee shall select, for the office to review and evaluate, education and school-related programs that receive state financial assistance in any form. The reviews and evaluations may include any of the following:

(A) Assessment of the uses school districts and institutions of higher education make of state money they receive and determination of the extent to which such money improves school district or institutional performance in the areas for which the money was intended to be used;

(B) Determination of whether an education program meets its intended goals, has adequate operating or administrative procedures and fiscal controls, encompasses only authorized activities, has any undesirable or unintended effects, and is efficiently managed;

(C) Examination of various pilot programs developed and initiated in school districts and at state-assisted colleges and universities to determine whether such programs suggest innovative, effective ways to deal with problems that may exist in other school districts or state-assisted colleges or universities, and to assess the fiscal costs and likely impact of adopting such programs throughout the state or in other state-assisted colleges and universities.

The committee shall report the results of each program review the office conducts to the general assembly.

Sec. 3353.06. (A) The affiliates services fund is hereby created in the state treasury. The Ohio educational telecommunications network commission shall deposit any money it receives to the credit of the fund, including:

(1) Reimbursements for services provided to stations;

(2) Charges levied for maintenance of telecommunications, broadcasting, or transmission equipment;

(3) Contract or grant payments.

(B) The commission shall use money credited to the affiliates services fund for any commission operating purposes, including:

(1) The purchase, repair, or maintenance of telecommunications, broadcasting, or transmission equipment;

(2) The purchase or lease of educational programming;

(3) The purchase of tape and maintenance of a media library;

(4) Professional development programs and services;

(5) Administrative expenses and legal fees.

Sec. 3353.07. the ohio educational telecommunications network commission shall not charge or collect broadcasting fees from ohio government telecommunications of the capitol Square review and advisory board.

Sec. 3375.90. Public libraries in two or more counties, or four or more libraries, including two or more types, within a metropolitan area, as defined by the state library board, may form a regional library system by agreement in the manner set forth in this section.

(A) The libraries authorized to form a regional library system may include any of the following types of libraries: academic, public, special, and school, including cooperative ventures established by two or more school districts. For the purposes of this section, ~~such~~ those libraries may be serving the general public, public or private schools, colleges or universities, or a profession, occupation, or business.

An agreement for the formation of a regional library system shall first be approved by the governing bodies of the participating libraries. For the purposes of this section, the "governing body of a library" means the board of trustees of a public library, ~~or~~ the board of education of a public school or school system if the library is a public school library, or otherwise the board of trustees or directors or other recognized governing board or committee of any private school, college, university, association, or union, public or private, which provides, controls, or maintains a library ~~which~~ that is intended to be a participating library.

(B) Except as otherwise provided in division (D) of this section, the agreement and an application for the formation of the regional library system shall be submitted to the state library board in the form and in accordance with rules prescribed by the state library board, with a plan of service describing the specific purposes for which the system is formed and the means by which ~~such~~ those purposes are to be accomplished.

(C) Upon approval of the application by the state library board and the making by that board or some other authority or authorities of a grant or grants for the system, the regional library system shall become operable. The state library board shall approve no more than ~~eleven~~ seven regional library systems.

A regional library system shall be governed by a board of trustees consisting of at least seven and no more than fifteen persons, to be selected from among the representatives of the participating libraries, duly appointed as such representatives by the governing bodies of the participating libraries.

The number of trustees, the manner of selection, the terms of office, and the provisions for filling vacancies shall be determined by the agreement between the governing bodies of the participating libraries~~,~~ and shall be set forth in the application submitted to the state library board. Nothing pertaining to the organization and operation of a regional library system shall be construed to infringe upon the autonomy of any participating library

or of the governing body of any library.

(D) No area library service organization or metropolitan library system in existence on ~~the effective date of this amendment~~ March 30, 1999, shall be required to submit a new agreement and application to the state library board in order to continue operation as a regional library system on and after that date. Any agreement that applied under this section immediately prior to ~~the effective date of this amendment~~ March 30, 1999, to an area library service organization or metropolitan library system that continues operation as a regional library system under this division shall continue to govern the applicable regional library system to the extent authorized by sections 3375.90 to 3375.93 of the Revised Code.

Sec. 3383.08. There is hereby created in the state treasury the capital donations fund, which shall be administered by the Ohio arts and sports facilities commission. The fund shall consist of gifts, grants, devises, bequests, and other financial contributions made to the commission for the construction or improvement of arts and sports facilities and shall be used in accordance with the specific purposes for which the gifts, grants, devises, bequests, or other financial contributions are made. All investment earnings of the fund shall be credited to the fund. Chapters 123., 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to contracts paid from the fund, notwithstanding anything to the contrary in those chapters or that section.

Not later than ~~the tenth day of each~~ one month following the end of each quarter of the fiscal year, the commission shall allocate the amounts credited to the fund from investment earnings during ~~the~~ that preceding ~~month~~ quarter of the fiscal year among the specific projects for which they are to be used and shall certify this information to the director of budget and management. ~~Investment earnings of the fund shall be allocated in the same manner as the gifts, grants, devises, bequests, and other financial contributions to which they are attributable.~~

If the amounts credited to the fund for a particular project exceed what is required to complete that project, the commission may refund any ~~such~~ of those excess amounts, including unexpended investment earnings attributable to those amounts, to the entity from which they were received.

Sec. 3501.18. (A) The board of elections may divide a political subdivision, within its jurisdiction, into precincts and establish, define, divide, rearrange, and combine the several election precincts within its jurisdiction and change the location of the polling place for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters and the proper

conduct of elections, provided that no change in the number of precincts or in ~~the~~ precinct boundaries ~~thereof~~ shall be made during the twenty-five days immediately preceding a primary or general election nor between the first day of January and the day on which the members of county central committees are elected in the years in which ~~such~~ those committees are elected. ~~Each~~ Except as otherwise provided in division (C) of this section, each precinct shall contain a number of electors, not to exceed one thousand, that the board of elections determines to be a reasonable number after taking into consideration the type and amount of available equipment, prior voter turnout, the size and location of each selected polling place, available parking, availability of an adequate number of poll workers, and handicap accessibility and other accessibility to the polling place.

If the board changes the boundaries of a precinct after the filing of a local option election petition pursuant to sections 4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that calls for a local option election to be held in that precinct, the local option election shall be held in the area that constituted the precinct at the time the local option petition was filed, regardless of the change in the boundaries.

If the board changes the boundaries of a precinct in order to meet the requirements of division (B)(1) of this section in a manner that causes a member of a county central committee to no longer qualify as a representative of an election precinct in the county, of a ward of a city in the county, or of a township in the county, the member shall continue to represent the precinct, ward, or township for the remainder of the member's term, regardless of the change in boundaries.

In an emergency, the board may provide more than one polling place in a precinct. In order to provide for the convenience of the voters, the board may locate polling places for voting or registration outside the boundaries of precincts, provided that the nearest public school or public building shall be used if the board determines it to be available and suitable for use as a polling place. Except in an emergency, no change in the number or location of the polling places in a precinct shall be made during the twenty-five days immediately preceding a primary or general election.

Electors who have failed to respond within thirty days to any confirmation notice shall not be counted in determining the size of any precinct under this section.

(B)(1) Except as otherwise provided in division (B)(2) or (3) of this section, not later than August 1, 2000, the board of elections shall determine all precinct boundaries using geographical units used by the United States department of commerce, bureau of the census, in reporting the decennial

ensus of Ohio.

(2) When any part of the boundary of a precinct also forms a part of the boundary of a legislative district and the precinct boundary cannot be determined by August 1, 2000, using the geographical units described in division (B)(1) of this section without making that part of the precinct boundary that also forms part of the legislative district boundary different from that legislative district boundary, the board of elections may determine the boundary of that precinct using the geographical units described in division (B)(1) of this section not later than April 1, 2002. As used in this division, "legislative district" means a district determined under Article XI of the Ohio Constitution.

(3) The board of elections may apply to the secretary of state for a waiver from the requirement of division (B)(1) of this section when it is not feasible to comply with that requirement because of unusual physical boundaries or residential development practices that would cause unusual hardship for voters. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where the census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary under this section, notwithstanding the requirement in division (B)(1) of this section.

(C) The board of elections may apply to the secretary of state for a waiver from the requirement of division (A) of this section regarding the number of electors in a precinct when the use of geographical units used by the United States department of commerce, bureau of the census, will cause a precinct to contain more than one thousand electors. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary to meet the requirements of division (B)(1) of this section.

Sec. 3501.21. When the board of elections considers it necessary to change, divide, or combine any precinct~~,~~ or to relocate a polling place, it shall notify, prior to the next election, ~~notify~~ each of the registrants in the precinct of ~~such~~ the change by mail. On and after August 1, 2000, when the board changes the boundaries of any precinct, it shall notify the secretary of state of the change not later than forty-five days after making the change.

Sec. 3517.152. (A)(1) There is hereby created the Ohio elections

mission consisting of seven members.

Not later than forty-five days after ~~the effective date of this section~~ August 24, 1995, the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member shall jointly submit to the governor a list of five persons who are affiliated with that political party. Not later than forty-five days after ~~the effective date of this section~~ August 24, 1995, the two legislative leaders in the two houses of the general assembly of the major political party of which the speaker is not a member shall jointly submit to the governor a list of five persons who are affiliated with the major political party of which the speaker is not a member. Not later than fifteen days after receiving each list, the governor shall appoint three persons from each list to the commission. The governor shall appoint one person from each list to a term that ends on December 31, 1996, one person from each list to a term that ends on December 31, 1997, and one person from each list to a term that ends on December 31, 1998.

Not later than thirty days after the governor appoints these six members, they shall, by a majority vote, appoint to the commission a seventh member, who shall not be affiliated with a political party. If the six members fail to appoint the seventh member within this thirty-day period, the chief justice of the supreme court, not later than thirty days after the end of the period during which the six members were required to appoint a member, shall appoint the seventh member, who shall not be affiliated with a political party. The seventh member shall be appointed to a term that ends on December 31, 2001. Terms of the initial members appointed under division (A)(1) of this section begin on January 1, 1996.

(2) If a vacancy occurs in the position of the seventh member, who is not affiliated with a political party, the six remaining members by a majority vote shall appoint, not later than fifteen days after the date of the vacancy, the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the seventh member within this fifteen-day period, the chief justice of the supreme court, within fifteen days after the end of this period, shall appoint the seventh member, who shall not be affiliated with a political party. If a vacancy occurs in any of the other six positions on the commission, the legislative leaders of the political party from whose list of persons the member being replaced was appointed shall submit to the governor, not later than thirty days after the date of the vacancy, a list of three persons who are affiliated with that political party. Not later than fifteen days after receiving the list, the governor, with the advice and consent of the senate, shall appoint one person from the list to the commission.

(3) At no time shall more than six members of the commission be affiliated with a political party and, of these six members, not more than three shall be affiliated with the same political party.

(4) In making appointments to the commission, the governor shall take into consideration the various geographic areas of this state and shall appoint members so that those areas are represented on the commission in a balanced manner, to the extent feasible.

(5) Members of the commission shall be registered electors and shall be of good moral character.

(B) Each member of the commission shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. After the initial terms of office provided for in division (A)(1) of this section, terms of office shall be for five years.

(C) A vacancy in the Ohio elections commission may be caused by death, resignation, or three absences from commission meetings in a calendar year if those absences are caused by reasons declared invalid by a vote of five members of the remaining members of the commission.

(D) Each member of the commission while in the performance of the business of the commission shall be entitled to receive compensation at the rate of twenty-five thousand dollars per year. Members shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(E) No member of the commission shall serve more than one full term unless the terms served are served nonconsecutively.

(F)(1) No member of the commission shall do or be any of the following:

(a) Hold, or be a candidate for, a public office;

(b) Serve on a committee supporting or opposing a candidate or ballot question or issue;

(c) Be an officer of the state central committee, a county central committee, or a district, city, township, or other committee of a political party or an officer of the executive committee of the state central committee, a county central committee, or a district, city, township, or other committee of a political party;

(d) Be a legislative agent as defined in section 101.70 of the Revised

Code or an executive agency lobbyist as defined in section 121.60 of the Revised Code;

(e) Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity;

(f) Be in the unclassified service under section 124.11 of the Revised Code;

(g) Be a person or employee described in divisions (C)(1) to (15) of section 4117.01 of the Revised Code.

(2) No member or employee of the commission shall make a contribution to, or for the benefit of, a campaign committee or committee in support of or opposition to a ballot question or issue, a political party, a legislative campaign fund, a political action committee, or a political contributing entity.

(G)(1) The members of the commission shall elect a chairperson and a vice-chairperson. At no time shall the chairperson and vice-chairperson be affiliated with the same political party. The chairperson shall serve in that capacity for one year and shall not serve as chairperson more than twice during a term as a member of the commission. No two successive chairpersons shall be affiliated with the same political party.

(2) The commission shall meet at the call of the chairperson or upon the written request of a majority of the members. The meetings and hearings of the commission or a panel of the commission under sections 3517.153 to 3517.157 of the Revised Code are subject to section 121.22 of the Revised Code.

(3) The commission shall adopt rules for its procedures in accordance with Chapter 119. of the Revised Code. Five of the seven members constitute a quorum. Except as otherwise provided in this section and in sections 3517.154 to 3517.157 of the Revised Code, no action shall be taken without the concurrence of a majority of the members.

(H)(1) The commission shall employ the technical, professional, and clerical employees that are necessary for it to carry out its duties.

(2)(a) Notwithstanding section 109.02 of the Revised Code, the commission shall employ a full-time attorney, and, as needed, one or more investigatory attorneys to conduct investigations for the commission or a panel of the commission. The commission may employ or contract for the services of additional attorneys, as needed. The full-time attorney shall do all of the following:

(i) Serve as the commission's attorney in regard to all legal matters, including representing the commission at appeals from a final determination

of the commission, except that the full-time attorney shall not perform the duties that an investigatory attorney is required or requested to perform or that another attorney the commission employs or contracts with for services is required or requested to perform, and shall not represent the commission in any legal proceeding in which the commission is a named party;

(ii) At the request of the commission or a panel of the commission, be present at a hearing held under sections 3517.154 to 3517.156 of the Revised Code to rule on the admissibility of evidence and to advise on the conduct of procedure;

(iii) Perform other duties as required by rule of the commission.

(b) An attorney employed by or under contract with the commission shall be licensed to practice law in this state.

(3)(a) Except as otherwise provided in division (H)(3)(b) of this section, at least five members of the commission shall agree on the employment of a person, a majority of the members shall agree on the discharge of an employee, and a person employed by the commission shall serve at the pleasure of the commission.

(b) At least five of the seven members shall agree on the discharge of an investigatory attorney.

Sec. 3701.04. (A) The director of health shall:

(1) Require such reports and make such inspections and investigations as the director considers necessary;

(2) Provide such methods of administration, appoint such personnel, make such reports, and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

(3) Procure by contract the temporary or intermittent services of experts or consultants or organizations thereof when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(4) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

(5) Accept on behalf of the state, and deposit in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code, any grant, gift, or contribution made to assist in meeting the cost of carrying out the director's responsibilities and expend the grant, gift, or contribution for such purpose. Fees collected by the director in connection with meetings and conferences shall also be credited to the fund and expended for the purposes for which paid.

(6) Make an annual report to the governor on activities and

expenditures, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

(B) The director of health may enter into agreements to sell services offered by the department to other departments, agencies, and institutions of the state. Fees collected by the director for the sale of services under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code.

~~(C) If authorized by federal statute or regulation, the director of health may establish and collect fees for conducting the initial certification of any person or entity as a provider of health services for purposes of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. The fee established for conducting an initial medicare certification shall not exceed the actual and necessary costs incurred by the department of health in conducting the certification.~~

~~All fees collected under this division shall be deposited into the state treasury to the credit of the medicare initial certification fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of conducting initial medicare certifications.~~

Sec. 3701.043. If authorized by federal statute or regulation, the director of health may establish and collect fees for conducting the initial certification of any person or entity as a provider of health services for purposes of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. The fee established for conducting an initial medicare certification shall not exceed the actual and necessary costs incurred by the department of health in conducting the certification.

All fees collected under this section shall be deposited into the state treasury to the credit of the medicare initial certification fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of conducting initial medicare certifications.

Sec. 3701.044. When the director of health or department of health is required or authorized to conduct or administer an examination or evaluation of individuals for the purpose of determining competency or for the purpose of issuing a license, certificate, registration, or other authority to practice or perform duties, the director or department may provide for the examination or evaluation by contracting with any public or private entity to conduct or administer the examination or evaluation. The contract may authorize the entity to collect and retain, as all or part of the entity's

compensation under the contract, any fee paid by an individual for the examination or evaluation. An entity authorized to collect and retain a fee is not required to deposit the fee into the state treasury.

Except when considered to be necessary by the director or department, the director or department shall not disclose test materials, examinations, or evaluation tools used in any examination or evaluation the director or department conducts, administers, or provides for by contract. The test materials, examinations, and evaluation tools are not public records for the purpose of section 149.43 of the Revised Code and are not subject to inspection or copying under section 1347.08 of the Revised Code.

Sec. 3701.262. (A) As used in this section and section 3701.263 of the Revised Code:

(1) "Physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing ~~him~~ the person to practice medicine or surgery or osteopathic medicine and surgery.

(2) "Dentist" means a person who is licensed under section 4715.12 or 4715.15 of the Revised Code to practice dentistry.

(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(4) "Cancer" includes those diseases specified by rule of the director of health under division (B)(2) of this section.

(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(1) Establish the Ohio cancer incidence surveillance system required by section 3701.261 of the Revised Code;

(2) Specify the types of cancer and other tumorous and precancerous diseases to be reported to the department of health under division (D) of this section;

(3) Establish reporting requirements for information concerning diagnosed cancer cases as ~~he~~ the director considers necessary to conduct epidemiologic surveys of cancer in this state;

(4) Establish standards that must be met by research projects to be eligible to receive information from the department of health under division (B) of section 3701.263 of the Revised Code.

(C) The department of health shall record in the registry all reports of cancer received by it. In the development and administration of the cancer registry the department may use information compiled by public or private cancer registries and may contract for the collection and analysis of, and research related to, the information recorded under this section.

(D) Each physician, dentist, hospital, or person providing diagnostic or

treatment services to patients with cancer shall report each case of cancer to the department. Any person required to report pursuant to this section may elect to report to the department through an existing cancer registry if the registry meets the reporting standards established by the director and reports to the department.

(E) All physicians, dentists, hospitals, or persons providing diagnostic or treatment services to patients with cancer shall grant to the ~~deparment~~ department or its authorized representative access to all records that identify cases of cancer or establish characteristics of cancer, the treatment of cancer, or the medical status of any identified cancer patient.

(F) ~~Within one year after the effective date of this section, the department~~ the Arthur G. James and Richard J. Solove research institute of the Ohio state university, shall analyze and evaluate the cancer reports collected pursuant to this section. The department shall publish and make available to the public reports summarizing the information collected. ~~The first summary report shall be published not later than ninety days after the end of the first full calendar year ending after the effective date of this section. Subsequent annual summary reports~~ Reports shall be made on a calendar year basis and published not later than ninety days after the end of each calendar year.

(G) Furnishing information, including records, reports, statements, notes, memoranda, or other information, to the department of health, either voluntarily or as required by this section, or to a person or governmental entity designated as a medical research project by the department, does not subject a physician, dentist, hospital, or person providing diagnostic or treatment services to patients with cancer to liability in an action for damages or other relief for furnishing the information.

(H) This section does not affect the authority of any person or facility providing diagnostic or treatment services to patients with cancer to maintain facility-based tumor registries, in addition to complying with the reporting requirements of this section.

(I) No person shall fail to make the cancer reports required by division (D) of this section.

Sec. 3701.264. There is hereby created the Ohio cancer incidence surveillance system advisory board. The board shall consist of the director of health, who shall serve as chair of the board, and one representative, appointed by the governor, from each medical school accredited by the liaison committee on medical education and each osteopathic medical school accredited by the American osteopathic association in Ohio. In addition, the director of health shall appoint up to three additional members

of the board. Vacancies on the board shall be filled in the same manner as the INITIAL appointments. Members shall serve without compensation.

The board shall provide oversight of the collection and analysis of data by the cancer surveillance system to the director of health and the Arthur G. James cancer hospital and Richard J. Solove RESEARCH institute of the Ohio state university and advise in the implementation of sections 3701.261 to 3701.263 of the Revised Code. The board shall meet and conduct its business as directed by the chair.

The board shall report to the finance committees of both houses of the general assembly, not later than March 1, 2001, on the progress made in implementing sections 3701.261 to 3701.263 of the Revised Code.

The board is not subject to section 101.84 of the Revised Code.

Sec. 3701.89. (A) There is hereby re-created a foundation as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, which shall be known as the Ohio medical quality foundation. The foundation shall be administered by thirteen trustees, one of whom shall be the director of health and the remaining twelve of whom shall be appointed by the governor within ninety days of ~~the effective date of this section~~ July 21, 1994.

(B) Five of the appointed trustees shall hold the degree of doctor of medicine; of those, two shall be appointed to an initial term of three years, one shall be appointed for an initial term of four years, and two shall be appointed for an initial term of five years. Four of the appointed trustees shall be representatives of hospitals; of those, one shall be appointed for an initial term of three years, one shall be appointed for an initial term of five years, and two shall be appointed to an initial term of four years. Two of the appointed trustees shall hold the degree of doctor of osteopathic medicine; of those, one shall be appointed for an initial term of four years and one shall be appointed to an initial term of five years. One of the appointed trustees shall hold the degree of doctor of podiatric medicine and shall be appointed for a term of three years. Thereafter, all trustees appointed by the governor shall be appointed to terms of three years.

(C) The trustees shall act by majority vote with seven trustees constituting a quorum for the transaction of any business or the exercise of any power of the foundation.

(D) All money received by the foundation shall be held in trust by a corporate trustee selected by the foundation trustees, which selection may be changed from time to time. The corporate trustee shall invest, manage, and account for the money held in trust, subject to the approval of the foundation trustees. All investment income shall be credited to the foundation trust

funds. All expenses of administration of the foundation shall be charged to the foundation trust funds.

(E) The trustees may:

(1) Adopt rules and bylaws consistent with subsection 501 (c)(3) of the Internal Revenue Code for the regulation of its affairs and the conduct of its business;

(2) Employ a staff and retain or contract with attorneys, financial consultants, and accounting experts as are necessary in its judgment to carry out this section;

(3) Seek and accept funding from any private or public source for the conduct of its business.

(F) In a manner consistent with federal income tax exemption status under subsection 501(c)(3) of the Internal Revenue Code, the foundation shall fund activities to improve the quality of medical care rendered to the public. The trustees of the money in the foundation trust may fund the following:

(1) Programs approved under criteria established under section 4731.25 of the Revised Code;

(2) Programs designed to improve the quality of graduate medical education;

(3) Programs designed to improve risk management and quality assurance in hospitals, as defined in section 3727.01 of the Revised Code, and in outpatient settings including physician offices;

(4) Other programs, meetings, and educational seminars that are designed to improve the quality of medical care in Ohio and are determined by the trustees to be consistent with this section.

(G) The foundation may be organized as a nonprofit corporation formed under Chapter 1702. of the Revised Code.

Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.

(B) The director shall review applications for certificates of need. Each application shall be submitted to the director on forms prescribed by the director, shall include all information required by rules adopted under

division (B) of section 3702.57 of the Revised Code, and shall be accompanied by the application fee established in rules adopted under division (G) of that section. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections~~, and to make payments to health service agencies under division (H) of this section~~.

The director shall mail to the applicant a written notice that the application meets the criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code, or a written request for additional information, not later than fifteen days after receiving an application or a response to an earlier request for information. The director shall not make more than two requests for additional information.

The director may conduct a public informational hearing in the course of reviewing any application for a certificate of need, and shall conduct one if requested to do so by any affected person not later than fifteen days after the director mails the notice that the application is complete. The hearing shall be conducted in the community in which the activities authorized by the certificate of need would be carried out. Any affected person may testify at the hearing. The director may, with the health service agency's consent, designate a health service agency to conduct the hearing.

Except during a public hearing or as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness has been received, no person shall knowingly discuss in person or by telephone the merits of the application with the director. If one or more persons request a meeting in person or by telephone, the director shall make a reasonable effort to invite interested parties to the meeting or conference call.

(C) Divisions (C)(1) to (7) of this section apply to certificate of need applications for which the director had not issued a written decision prior to April 20, 1995, unless the director was required, under the version of this section in effect immediately prior to ~~the effective date of this amendment~~ June 30, 1995, to grant a certificate of need prior to ~~the effective date of this amendment~~ June 30, 1995, because of a lack of written objections from any affected person. Divisions (C)(1) to (7) of this section do not invalidate any certificate of need that the director was required to grant prior to ~~the effective date of this amendment~~ June 30, 1995, under that circumstance.

(1) The director shall grant a certificate of need for the entire project that is the subject of the application immediately after both of the following

conditions are met:

(a) The board of trustees of the health service agency of the health service area in which the reviewable activity is proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that the certificate of need be granted;

(b) The director receives no written objections to the application from any affected person by the later of May 20, 1995, or thirty days after the director mails the notice of completeness.

(2) In the case of applications under comparative review, the director shall grant certificates of need for the entire projects that are the subject of the applications immediately after both of the following conditions are met:

(a) The board of trustees of the health service agency of each health service area in which the reviewable activities are proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that certificates of need be granted for each of the reviewable activities to be conducted in its health service area;

(b) The director receives no written objections to any of the applications from any affected person by the later of May 20, 1995, or thirty days after the director mails the last notice of completeness.

The director's grant of a certificate of need under division (C)(1) or (2) of this section does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities proposed to be conducted in the same or different health service areas.

(3) If the director receives written objections to an application from any affected person by the later of May 20, 1995, or thirty days after mailing the notice of completeness, regardless of the health service agency's recommendation, the director shall notify the applicant and assign a hearing examiner to conduct an adjudication hearing concerning the application in accordance with Chapter 119. of the Revised Code. In the case of applications under comparative review, if the director receives written objections to any of the applications from any affected person by the later of May 20, 1995, or thirty days after the director mails the last notice of completeness, regardless of the health service agencies' recommendation, the director shall notify all of the applicants and appoint a hearing examiner to conduct a consolidated adjudication hearing concerning the applications in accordance with Chapter 119. of the Revised Code. The hearing examiner shall be employed by or under contract with the department of health.

The adjudication hearings may be conducted in the health service area

in which the reviewable activity is proposed to be conducted. Consolidated adjudication hearings for applications in comparative review may be conducted in the geographic region in which all of the reviewable activities will be conducted. The applicant, the director, and the affected persons that filed objections to the application shall be parties to the hearing. If none of the affected persons that submitted written objections to the application appears or prosecutes the hearing, the hearing examiner shall dismiss the hearing and the director shall grant a certificate of need for the entire project that is the subject of the application. The affected persons bear the burden of proving by a preponderance of evidence that the project is not needed or that granting the certificate would not be in accordance with sections 3702.51 to 3702.62 of the Revised Code or the rules adopted under section 3702.57 of the Revised Code.

(4) Except as provided in divisions (C)(1) and (2) of this section, the director shall grant or deny certificate of need applications for which an adjudication hearing is not conducted under division (C)(3) of this section not later than ninety days after mailing the notice of completeness or, in the case of an application proposing addition of long-term care beds, not later than ninety days after such other time as is specified in rules adopted under section 3702.57 of the Revised Code. The director shall grant or deny certificate of need applications for which an adjudication hearing is conducted under division (C)(3) of this section not later than thirty days after the expiration of the time for filing objections to the report and recommendation of the hearing examiner under section 119.09 of the Revised Code. The director shall base decisions concerning applications for which an adjudication hearing is conducted under division (C)(3) of this section on the report and recommendations of the hearing examiner.

(5) Except as otherwise provided in division (C)(1), (2), or (6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the original thirty-day period. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) Except as provided in divisions (C)(1) and (2) of this section, the director may grant a certificate of need for all or part of the project that is the subject of an application. If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the

certificate shall be considered to have been granted. The director, in reviewing certificate of need applications for solid organ transplantation services, may ask for assistance from a statewide transplantation advisory group consisting of qualified professionals and administrators. Such consultation shall not cause the review period for any application to be extended beyond the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.

(D) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(E) The director shall monitor the activities of persons granted certificates of need concerning long-term care beds during the period beginning with the granting of the certificate of need and ending five years after implementation of the activity for which the certificate was granted.

In the case of any other certificate of need, the director shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending when the activity for which the certificate was granted ceases to be a reviewable activity in accordance with section 3702.511 of the Revised Code.

(F) When reviewing applications for certificates of need or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to review of the application or monitoring of the activities. In addition, the director or the director's designee, which may include a health service agency, may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need.

(H) ~~The director shall pay, to each health service agency that engages in one or more of the functions identified in division (D)(5) of section 3702.58 of the Revised Code with respect to an application for a certificate of need, one-third of the application fee paid under division (B) of this section, subject to a maximum of four thousand dollars. The amount paid under this division to each health service agency during each fiscal year shall not be less than the amount received by the health service agency between July 1, 1988, and June 30, 1989, or the amount received by the agency between January 1, 1988, and December 31, 1988, whichever is greater.~~

~~(I)~~ The director shall conduct, on a regular basis, health system data collection and analysis activities and prepare reports. The director shall make recommendations based upon these activities to the public health

council concerning the adoption of appropriate rules under section 3702.57 of the Revised Code. All health care facilities and other health care providers shall submit to the director, upon request, any information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews, and that is prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code.

~~(J)~~(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of health care facilities administered by religious organizations, and the special needs and circumstances of children's hospitals, inner city hospitals, and small rural hospitals.

Sec. 3702.57. (A) The public health council shall adopt rules establishing procedures and criteria for reviews of applications for certificates of need and issuance, denial, or withdrawal of certificates.

(1) The rules shall require that, in addition to any other applicable review requirements of sections 3702.51 to 3702.62 of the Revised Code and rules adopted thereunder, any application for a certificate of need from an osteopathic hospital be reviewed on the basis of the need for and the availability in the community of services and hospitals for osteopathic physicians and their patients, and in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and doctors of medicine at the student, internship, and residency training levels.

(2) In adopting rules that establish criteria for reviews of applications of certificates of need, the council shall consider the availability of and need for long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries.

(3) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters:

(a) The impact of the reviewable activity on the cost and quality of health services in the relevant geographic area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other providers of similar services;

(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the provisions that are proposed in the application to ensure quality, including but not limited to

adequate available personnel, available ancillary and support services, available equipment, size and configuration of physical plant, and relations with other providers;

(c) The impact of the reviewable activity on the availability and accessibility of the type of services proposed in the application to the population of the relevant geographic area, and the level of access to the services proposed in the application that will be provided to medically underserved individuals such as recipients of public assistance and individuals who have no health insurance or whose health insurance is insufficient;

(d) The activity's short- and long-term financial feasibility and cost-effectiveness, the impact of the activity on the applicant's costs and charges, and a comparison of the applicant's costs and charges with those of providers of similar services in the applicant's proposed service area;

(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity;

(f) The impact of the activity on all other providers of similar services in the health service area or other relevant geographic area, including the impact on their utilization, market share, and financial status;

(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;

(h) The relationship of the activity to the current edition of the state health resources plan issued under section 3702.521 of the Revised Code;

(i) The historical performance of the applicant and related or affiliated parties in providing cost-effective health care services;

(j) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;

(k) The appropriateness of the zoning status of the proposed site of the activity;

(l) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.

(4) The criteria for reviews of applications may include formulas for determining need for beds and services.

(a) The criteria prescribing formulas shall not, either by themselves or in conjunction with any established occupancy guidelines, require, as a condition of being granted a certificate of need, that a hospital reduce its

complement of registered beds or discontinue any service that is not related to the service or project for which the certificate of need is sought.

(b) With respect to applications to conduct reviewable activities that are affected directly by the inpatient occupancy of a health care facility, including addition, relocation, or recategorization of beds or renovation or other construction activities relating to inpatient services, the rules shall prescribe criteria for determining whether the scope of the proposed project is appropriate in light of the historical and reasonably projected occupancy rates for the beds related to the project.

(c) Any rules prescribing criteria that establish ratios of beds, services, or equipment to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.

(B) The council shall adopt rules specifying all of the following:

(1) Information that must be provided in applications for certificates of need, which shall include a plan for obligating the capital expenditure or implementing the proposed project on a timely basis in accordance with section 3702.525 of the Revised Code;

(2) Procedures for reviewing applications for completeness of information;

(3) Criteria for determining that the application is complete.

(C) The council shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.

(D) The council shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.

(E) The council shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.

(F) The council shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.

(G) The council shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code and to pay

health service agencies for the functions they perform under division (D)(5) of section 3702.58 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a capital expenditure shall be nine-tenths of one per cent of the capital expenditure proposed subject to a minimum of three thousand dollars and a maximum of twenty thousand dollars.

(H) The council shall adopt rules specifying information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews that health care facilities and other health care providers are to submit to the director under division ~~(I)~~(H) of section 3702.52 of the Revised Code.

(I) The council shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.524 of the Revised Code.

(J) The council shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.526 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made.

(K) The council shall adopt rules defining high-risk cardiac catheterization patients. High-risk patients shall include patients with significant ischemic syndromes or unstable myocardial infarction, patients who need intervention such as angioplasty or bypass surgery, patients who may require difficult or complex catheterization procedures such as transeptal assessment of valvular dysfunction, patients with critical aortic stenosis or congestive heart failure, and other patients specified by the council.

(L) The public health council shall adopt all rules under divisions (A) to (K) of this section in accordance with Chapter 119. of the Revised Code. The council may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the Revised Code.

Sec. 3702.58. (A) The director of health shall designate geographic regions of this state as health service areas and shall designate one health service agency for each health service area. All territory in this state shall be included in a health service area, but no territory shall be included in more than one health service area.

(B) The director shall designate as a health service area any health service area that was so designated in accordance with the former "National

Health Planning and Resources Development Act of 1974," 88 Stat. 2225, 42 U.S.C. 300k, as amended, as of November 13, 1986. The director shall designate as a health service agency any health systems agency designated under such former act that, on June 30, 1987, was performing the functions of a health systems agency as provided for in such former act.

(C) The director may designate health service areas and health service agencies in addition to those designated under division (B) of this section, may revise the boundaries of health service areas, and may revoke the designation of a health service agency and designate a new health service agency for a health service area.

Each health service agency designated under this division shall be a nonprofit private corporation that is incorporated in this state as a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the "Internal Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that is not a subsidiary of, or otherwise controlled by, any other private or public corporation or other legal entity.

The board of trustees of each health service agency shall be nominated and elected by the agency's membership in accordance with procedures specified in the agency's by-laws. Each trustee shall be a resident of the health service area served by the agency, and any resident of the health service area age eighteen or older is eligible to be nominated. The board of trustees shall be broadly representative of the demographic characteristics of the health service area, including the geographic distribution and density of the population.

A majority of the trustees, but not more than seventy-five per cent, shall represent consumers and major purchasers of health care, including businesses and labor organizations, that are not health care providers. All other trustees shall represent health care providers and, to the extent practicable, shall be representative of the variety of health care disciplines and interests of the health service area. Only the trustees representing health care consumers and purchasers may vote on agency proceedings concerning a certificate of need application. However, no such trustees shall vote on proceedings concerning a certificate of need application if ~~he~~ the trustee has a financial interest in the outcome of the proceedings.

A health service agency's board of trustees may adopt policies governing the agency's ability to sell health care information and resources to the public, to engage in activities on a fee-for-service basis, and to enter into contractual arrangements. ~~However, these policies do not affect the requirements of division (H) of section 3702.52 of the Revised Code with~~

~~respect to the amount the director pays for the agency's performance of any function described in division (D)(5) of this section.~~ No health service agency shall engage in any fee-for-service activity with a health care facility. Each board of trustees shall hire appropriate staff to perform duties required by the board.

(D) The functions of health service agencies shall include, but not be limited to:

(1) Performing functions related to the planning and implementation of health care facilities and health care services by:

(a) Identifying community health care needs and establishing community-based priorities and implementation strategies;

(b) Developing community-based plans to address identified needs and priorities;

(c) Providing technical assistance on community health care needs assessment and planning and implementation strategies to entities responsible for the delivery of health care services;

(d) Serving as the community resource to ensure that all concerned individuals and organizations of the community are represented and afforded an opportunity to participate in the planning and implementation of the health care systems and services that best meet the needs of the citizens of the health service area;

(e) Submitting to the director of health for inclusion in the state health resources plan issued under section 3702.521 of the Revised Code the local community-based health resources plan, which shall contain an analysis of the distribution of all health services, facilities, and other resources in the health service area, including existing deficiencies and excesses in local health resources;

(f) Submitting annually to the director a supplemental report recommending changes to the state health resources plan as it deems appropriate by the community health planning process.

(2) Performing functions related to monitoring of the health care system in the health service area, including:

(a) Compiling, analyzing, and disseminating technical information and data identifying statistical trends and gaps in health care services;

(b) Evaluating progress toward meeting local and state health care goals as established by their respective planning processes;

(c) Serving as the health service area community health information center by:

(i) Making available to the general public information about the quality, including performance and outcomes, and cost of, and access to, the health

care delivery services and systems;

(ii) Maintaining copies of reports on utilization of, participation in, and performance of health care reform initiatives, including OhioCare, any health insurance access programs, and other health care cost, quality, and access reform program;

(iii) Maintaining copies of all reports required by state agencies that pertain to health care services, utilization, and cost.

(3) Conducting the following community activities:

(a) Informing and educating the public on health care issues, concerns, and proposed solutions, such as educating the public about the proper use of health care delivery reform initiatives;

(b) Providing forums for solving problems, resolving conflicts, and building consensus;

(c) Publishing and making available to the public reports on health care utilization, cost, and quality of services;

(d) Establishing and maintaining educational programs and other informational resources for promoting improvement in the health of the residents in the health service area.

(4) Promoting improvements in the health of the residents of the health service area by helping the community to:

(a) Plan for and implement improvements in cost, accessibility, and quality of health care services;

(b) Minimize unnecessary duplication of health services and technology;

(c) Promote competition where appropriate in the health service area.

(5) Implementing the certificate of need program on the local level by:

(a) Providing technical assistance to applicants for certificates of need;

(b) Advising the director of health by conducting community reviews of certificate of need applications based on local and state health resources plans and criteria and standards established by the public health council;

(c) Conducting public informational hearings on certificate of need applications under division (B) of section 3702.52 of the Revised Code;

(d) Submitting to the director findings and recommendations on certificate of need applications;

(e) Monitoring compliance with the granted certificates of need in the health service area on behalf of the director;

(f) Reporting findings of monitoring activities in a format determined by the director.

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 of the Revised Code, this section applies to the review of certificate of need

applications during the period beginning July 1, 1993, and ending June 30, ~~1999~~ 2001.

(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date:

(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county nursing home, if the beds are proposed to be certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(c) Recategorization of hospital beds as described in section 3702.522 of the Revised Code, an increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds or skilled nursing facility beds, or a recategorization of hospital beds that would result in an increase of beds registered pursuant to that section as long-term care beds or skilled nursing facility beds.

On July 1, 1993, the director shall return each such application to the applicant and, notwithstanding section 3702.52 of the Revised Code regarding the uses of the certificate of need fund, shall refund to the applicant the application fee paid under that section. Applications returned under division (B)(1) of this section may be resubmitted in accordance with section 3702.52 of the Revised Code no sooner than July 1, ~~1999~~ 2001.

(2) The director shall continue to review and shall issue a decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.

(C)(1) Except as provided in division (C)(2) of this section, the director, during the period beginning July 1, 1993, and ending June 30, ~~1999~~ 2001, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.

(2) The director shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated. The director also shall accept for review any application that seeks certificate of need approval for existing beds located in an infirmary that is operated exclusively by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and was providing care exclusively to members of such a religious order on January 1, 1994.

(D) The director shall issue a decision regarding any case remanded by a court as the result of a decision issued by the director prior to July 1, 1993, to grant, deny, or withdraw a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.

(E) The director shall not project the need for beds listed in division (B)(1) of this section for the period beginning July 1, 1993, and ending June 30, ~~1999~~ 2001.

This section is an interim section effective until July 1, ~~1999~~ 2001.

Sec. 3705.24. (A) Except as otherwise provided in this division or division (G) of this section, the fee for a certified copy of a vital record or for a certification of birth shall be ~~five~~ seven dollars plus any fee required by section 3109.14 of the Revised Code. Except as provided in section 3705.241 of the Revised Code, the fee for a certified copy of a vital record or for a certification of birth issued by the office of vital statistics shall be an amount prescribed by the public health council plus any fee required by section 3109.14 of the Revised Code. The fee for a certified copy of a vital record or for a certification of birth issued by a health district shall be an amount prescribed in accordance with section 3709.09 of the Revised Code plus any fee required by section 3109.14 of the Revised Code. No certified copy of a vital record or certification of birth shall be issued without payment of the fee unless otherwise specified by statute.

For a special search of the files and records to determine a date or place contained in a record on file, the office of vital statistics shall charge a fee of three dollars for each hour or fractional part of an hour required for the search.

(B) Except as otherwise provided in division (G) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general

operations fund created by section 3701.83 of the Revised Code. Money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(C) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general health district.

Each local registrar of vital statistics, or each health district where the local registrar is a salaried employee of the district, shall be entitled to a fee for each birth, fetal death, death, or military service certificate properly and completely made out and registered with the local registrar or district and correctly copied and forwarded to the office of vital statistics in accordance with the population of the primary registration district at the last federal census. The fee for each birth, fetal death, death, or military service certificate shall be:

(1) In primary registration districts of over two hundred fifty thousand, twenty cents;

(2) In primary registration districts of over one hundred twenty-five thousand and less than two hundred fifty thousand, sixty cents;

(3) In primary registration districts of over fifty thousand and less than one hundred twenty-five thousand, eighty cents;

(4) In primary registration districts of less than fifty thousand, one dollar.

(D) The director of health shall annually certify to the county treasurers of the several counties the number of birth, fetal death, death, and military service certificates registered from their respective counties with the names of the local registrars and the amounts due each registrar and health district at the rates fixed in this section. Such amounts shall be paid by the treasurer of the county in which the registration districts are located. No fees shall be charged or collected by registrars except as provided by this chapter and section 3109.14 of the Revised Code.

(E) A probate judge shall be paid a fee of fifteen cents for each certified abstract of marriage prepared and forwarded by the probate judge to the

artment of health pursuant to section 3705.21 of the Revised Code. The fee shall be in addition to the fee paid for a marriage license and shall be paid by the applicants for the license.

(F) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases.

(G) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In setting the amount of the fee, the director shall establish a surcharge in addition to an amount necessary to offset the expense of processing heirloom certifications of birth. The fee prescribed by the director of health pursuant to this division shall be deposited into the state treasury to the credit of the heirloom certification of birth fund which is hereby created. Money credited to the fund shall be used by the office of vital statistics to offset the expense of processing heirloom certifications of birth. However, the money collected for the surcharge, subject to the approval of the controlling board, shall be used for the purposes specified by the family and children first council pursuant to section 121.37 of the Revised Code.

Sec. 3721.025. If the operator of a nursing home claims to the public that the nursing home provides special services that are above the minimum services that must be provided to be licensed under this chapter as a nursing home, the operator shall submit to the department of health a written description of the special services provided. The department shall maintain a registry containing all descriptions submitted under this section. On request, the department shall provide a copy of a description submitted under this section.

Sec. 3721.31. (A)(1) Except as provided in division (E) of this section, the director of health shall approve competency evaluation programs and training and competency evaluation programs in accordance with rules adopted under section 3721.30 of the Revised Code and shall periodically review and reapprove programs approved under this section.

(2) Except as otherwise provided in division (A)(3) of this section, the director may approve and reapprove programs conducted by or in long-term care facilities, or by any government agency or person, including an employee organization.

(3) The director shall not approve or reapprove a competency evaluation program or training and competency evaluation program conducted by or in a long-term care facility that was determined by the director or the United States secretary of health and human services to have been out of compliance with the requirements of subsection (b), (c), or (d) of section 1819 or 1919 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, within a two-year period prior to making application for approval or reapproval and shall revoke the approval or reapproval of a program conducted by or in a facility for which such a determination is made.

(4) A long-term care facility, employee organization, person, or government entity seeking approval or reapproval of a competency evaluation program or training and competency evaluation program shall make an application to the director for approval or reapproval of the program and shall provide any documentation requested by the director.

(5) The director may conduct inspections and examinations of approved competency evaluation programs and training and competency evaluation programs, competency evaluation programs and training and competency evaluation programs for which an application for approval has been submitted under division (A)(4) of this section, and the sites at which they are or will be conducted. The director may conduct inspections of long-term care facilities in which individuals who have participated in approved competency evaluation programs and training and competency evaluation programs are being used as nurse aides.

(B) In accordance with Chapter 119. of the Revised Code, the director may do the following:

(1) Deny, suspend, or revoke approval or reapproval of any of the following that is not in compliance with this section and section 3721.30 of the Revised Code and rules adopted thereunder:

(a) A competency evaluation program;

(b) A training and competency evaluation program;

(c) A training program for instructors or coordinators for training and competency evaluation programs;

(d) A training program for evaluators for competency evaluation programs.

(2) Deny a request that ~~he~~ the director determine ~~either~~ ANY of the following for the purposes of division (B) of section 3721.28 of the Revised Code:

(a) That a program completed prior to the dates specified in division (B)(3) of section 3721.28 of the Revised Code included a competency

evaluation component no less stringent than the competency evaluation programs approved or conducted by ~~him~~ the director under this section, and was otherwise comparable to the training and competency evaluation programs being approved under this section;

(b) That an individual satisfies division (B)(5) of section 3721.28 of the Revised Code;

(c) That an individual meets the conditions specified in division (F) of section 3721.28 of the Revised Code.

(C) The director may develop and conduct a competency evaluation program for individuals used by long-term care facilities as nurse aides at any time during the period commencing July 1, 1989, and ending January 1, 1990, and individuals who participate in training and competency evaluation programs conducted in or by long-term care facilities. The director also may conduct other competency evaluation programs and training and competency evaluation programs. When conducting competency evaluation programs and training and competency evaluation programs, the director may use a nurse aide competency evaluation prepared by a ~~national standardized~~ testing service, and may contract with the service to administer the evaluation pursuant to section 3701.044 of the Revised Code.

(D) The director may approve or conduct programs to train instructors and coordinators for training and competency evaluation programs and evaluators for competency evaluation programs. The director may conduct inspections and examinations of those programs that have been approved by ~~him~~ the director or for which an application for approval has been submitted, and the sites at which the programs are or will be conducted.

(E) Notwithstanding division (A) of this section and division (C) of section 3721.30 of the Revised Code, the director, in ~~his~~ the director's discretion, may decline to approve any competency evaluation programs. The director may require all individuals used by long-term care facilities as nurse aides after June 1, 1990, who have completed a training and competency evaluation program approved by the director under division (A) of this section or who have met the conditions specified in division (F) of section 3721.28 of the Revised Code to complete a competency evaluation program conducted by the director under division (C) of this section. The director also may require all individuals used as nurse aides by long-term care facilities after June 1, 1990, who were used by a facility at any time during the period commencing July 1, 1989, and ending January 1, 1990, to complete a competency evaluation program conducted by the director under division (C) of this section rather than a competency evaluation program approved by ~~him~~ the director under division (A) of this section.

(F) The ~~director shall not disclose~~ test materials, examinations, or ~~evaluative~~ evaluation tools used in any competency evaluation program or training and competency evaluation program that ~~he~~ the director conducts or approves under this section ~~to any person or government entity, except as he determines to be necessary for administration and enforcement of this chapter and rules adopted under this chapter. The test materials, examinations, and evaluative tools are not public records for the purpose of section 149.43 of the Revised Code, and~~ are ~~not~~ subject to ~~inspection or copying under~~ the confidentiality provisions of section ~~1347.08~~ 3701.044 of the Revised Code.

(G) The director shall impose fees prescribed by rules adopted under section 3721.30 of the Revised Code for both of the following:

(1) Making application for approval or reapproval of either of the following:

(a) A competency evaluation program or a training and competency evaluation program;

(b) A training program for instructors or coordinators for training and competency evaluation programs, or evaluators for competency evaluation programs;

(2) Participation in any competency evaluation program, training and competency evaluation program, or other program conducted by the director under this section.

~~If the director contracts with a national standardized testing service pursuant to division (C) of this section for administration by the service of a competency evaluation of nurse aides, the director may authorize the service to collect and retain fees in the amounts prescribed under the rules adopted by the director under section 3721.30 of the Revised Code.~~

Sec. 3721.33. ~~(A)~~ Except ~~as provided in division (B) of this section~~ for any fee collected and retained by a testing service under contract pursuant to division (C) of section 3721.31 of the Revised Code, all fees collected under section 3721.31 of the Revised Code shall be deposited in the state treasury to the credit of the nurse aide training fund, which is hereby created. The moneys in the fund shall be used solely for the purposes set forth in sections 3721.28 to 3721.32 of the Revised Code and rules adopted thereunder.

~~(B) A national standardized testing service that collects and retains fees under a contract described in division (G) of section 3721.31 of the Revised Code is not required to deposit the fees in the state treasury.~~

Sec. 3722.01. (A) As used in this chapter:

(1) "Owner" means the person who owns the business of and who ultimately controls the operation of an adult care facility and to whom the

manager, if different from the owner, is responsible.

(2) "Manager" means the person responsible for the daily operation of an adult care facility. The manager and the owner of a facility may be the same person.

(3) "Adult" means an individual eighteen years of age or older.

(4) "Unrelated" means that an adult resident is not related to the owner or manager of an adult care facility or to ~~his~~ the owner's or manager's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(5) "Skilled nursing care" means skilled nursing care as defined in section 3721.01 of the Revised Code.

(6)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted by the public health council pursuant to this chapter;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter.

(b) "Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(6)(a) of this section to be considered to be providing personal care services.

(7) "Adult family home" means a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.

(8) "Adult group home" means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

(9) "Adult care facility" means an adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public. "Adult care facility" does not include:

(a) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice

patients;

(b) A nursing home, residential care facility, or home for the aging as defined in section 3721.01 of the Revised Code;

(c) A community alternative home as defined in section 3724.01 of the Revised Code;

(d) An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;

(e) A habilitation center as defined in section 5123.041 of the Revised Code;

(f) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;

(g) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;

(h) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of mental retardation and developmental disabilities;

(i) Any residence, institution, hotel, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;

(j) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;

(k) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;

(l) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively for the placement and care of veterans;

(m) Until January 1, 1994, the portion of a facility in which care is provided exclusively to members of a religious order if the facility is owned by or part of a nonprofit institution of higher education authorized to award degrees by the Ohio board of regents under Chapter 1713. of the Revised Code.

(10) "Residents' rights advocate" means:

(a) An employee or representative of any state or local government entity that has a responsibility for residents of adult care facilities and has

registered with the department of health under section 3701.07 of the Revised Code;

(b) An employee or representative, other than a manager or employee of an adult care facility or nursing home, of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has registered with the department of health under section 3701.07 of the Revised Code, and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services.

(11) "Sponsor" means an adult relative, friend, or guardian of a resident of an adult care facility who has an interest in or responsibility for the resident's welfare.

(12) "~~Ombudsman~~ Ombudsperson" means a "representative of the office of the state long-term care ~~ombudsman~~ ombudsperson program" as defined in section 173.14 of the Revised Code.

(13) "Mental health agency" means a mental health agency, as defined in section 5119.22 of the Revised Code, under contract with a board of alcohol, drug addiction, and mental health services pursuant to division (A)(6)(a) of section 340.03 of the Revised Code.

(B) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor ~~his~~ the resident's sponsor is a party.

(C) Nothing in division (A)(6) of this section shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance.

Sec. 3722.011. All medication taken by residents of an adult care facility shall be self-administered, except that medication may be administered to a resident by a home health agency, hospice care program, ~~or~~ nursing home staff, mental health agency, or board of alcohol, drug addiction, and mental health services under division (B) of section 3722.16 of the Revised Code. Members of the staff of an adult care facility shall not administer medication to residents. No person shall be admitted to or retained by an adult care facility unless the person is capable of taking ~~his~~ the person's own medication and biologicals, as determined in writing by the person's personal physician, except that a person may be admitted to or retained by such a facility if ~~his~~ the person's medication is administered by a

home health agency, hospice care program, ~~or~~ nursing home staff, mental health agency, or board of alcohol, drug addiction, and mental health services under division (B) of section 3722.16 of the Revised Code. Members of the staff of an adult care facility may do any of the following:

(A) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(B) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted by the public health council pursuant to this chapter, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(C) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to ~~his~~ the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

Sec. 3722.10. (A) The public health council shall have the exclusive authority to adopt and shall~~, not later than November 15, 1991,~~ adopt rules in accordance with Chapter 119. of the Revised Code governing the licensing and operation of adult care facilities. The rules shall specify:

(1) Procedures for the issuance, renewal, and revocation of licenses and temporary licenses, for the granting and denial of waivers, and for the issuance and termination of orders of suspension of admission pursuant to section 3722.07 of the Revised Code;

(2) The qualifications required for owners, managers, and employees of adult care facilities, including character, training, education, experience, and financial resources and the number of staff members required in a facility;

(3) Adequate space, equipment, safety, and sanitation standards for the premises of adult care facilities, and fire protection standards for adult family homes as required by section 3722.041 of the Revised Code;

(4) The personal, social, dietary, and recreational services to be provided to each resident of adult care facilities~~. In the case of an adult care facility providing personal care services to one or more individuals with mental illness or with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, as defined in section 5119.22 of the Revised Code, the rules shall require an affiliation agreement between the adult care facility and the community mental health board or an affiliation agreement approved by the community mental health~~

~~board between the adult care facility and the mental health agency. The affiliation agreement must be consistent with the residential portion of the community mental health plan submitted pursuant to section 340.03 of the Revised Code.~~;

(5) Rights of residents of adult care facilities, in addition to the rights enumerated under section 3722.12 of the Revised Code, and procedures to protect and enforce the rights of these residents;

(6) Provisions for keeping records of residents and for maintaining the confidentiality of the records as required by division (B) of section 3722.12 of the Revised Code. The provisions for maintaining the confidentiality of records shall, at the minimum, meet the requirements for maintaining the confidentiality of records under Title XIX of the "Social Security Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations promulgated thereunder.

(7) Measures to be taken by adult care facilities relative to residents' medication, including policies and procedures concerning medication, storage of medication in a locked area, and disposal of medication and assistance with self-administration of medication, if the facility provides assistance;

(8) Requirements for initial and periodic health assessments of prospective and current adult care facility residents by physicians or other health professionals to ensure that they do not require a level of care beyond that which is provided by the adult care facility, including assessment of their capacity to self-administer the medications prescribed for them;

(9) Requirements relating to preparation of special diets;

(10) The amount of the fees for new and renewal license applications made pursuant to sections 3722.02 and 3722.04 of the Revised Code;

(11) Measures to be taken by any employee of the state or any political subdivision of the state authorized by this chapter to enter an adult care facility to inspect the facility or for any other purpose, to ensure that the employee respects the privacy and dignity of residents of the facility, cooperates with residents of the facility and behaves in a congenial manner toward them, and protects the rights of residents;

(12) How an owner or manager of an adult care facility is to comply with section 3722.18 of the Revised Code. The rules shall do at least both of the following:

(a) Establish the procedures an owner or manager is to follow under division (A)(2) of section 3722.18 of the Revised Code regarding referrals to the facility of prospective residents with mental illness or severe mental disability and effective arrangements for ongoing mental health services for

such prospective residents. The procedures may provide for any of the following:

(i) That the owner or manager sign written agreements with the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility. Each agreement shall cover all such prospective residents referred by the agency or board with which the owner or manager enters into the agreement.

(ii) That the owner or manager and the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility develop and sign a plan for services for each such prospective resident;

(iii) Any other process regarding referrals and effective arrangements for ongoing mental health services.

(b) Specify the date an owner or manager must begin to follow the procedures established by division (A)(12)(a) of this section.

(13) Any other rules necessary for the administration and enforcement of this chapter.

(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be ADOPTED under division (A)(12) of this section. The public health council shall adopt the rules required by division (A)(12) of this section no later than July 1, 2000.

(C) The director of health shall advise adult care facilities regarding compliance with the requirements of this chapter and with the rules adopted pursuant to this chapter.

~~(C)~~(D) Any duty or responsibility imposed upon the director of health by this chapter may be carried out by an employee of the department of health.

~~(D)~~(E) Employees of the department of health may enter, for the purposes of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as an adult care facility without a valid license.

Sec. 3722.15. (A) ~~Employees~~ The following may enter an adult care facility at any time:

(1) Employees designated by the director of health~~, employees~~;

(2) Employees designated by the director of aging~~, employees~~;

(3) Employees designated by the attorney general~~, employees~~;

(4) Employees designated by a county department of human services to implement sections 5101.60 to 5101.71 of the Revised Code~~, and persons~~;

(5) Persons employed pursuant to division (M) of section 173.01 of the Revised Code in the long-term care facilities ~~ombudsman~~ ombudsperson program ~~may enter any adult care facility at any time. These~~;

(6) Employees of the department of mental health designated by the director of mental health;

(7) Employees of a mental health agency, if the agency has a client residing in the facility;

(8) Employees of a board of alcohol, drug addiction, and mental health services, when authorized by section 340.05 of the Revised Code or if an individual receiving mental health services provided by the board pursuant to division (A)(6)(b) of section 340.03 of the Revised Code or a mental health agency under contract with the board resides in the facility.

These employees shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the records of an adult care facility that reasonably would tend to identify a specific resident of the facility, except as ordered by a court of competent jurisdiction.

(B) The following persons may enter any adult care facility during reasonable hours:

(1) A resident's sponsor;

(2) Residents' rights advocates;

(3) A resident's attorney;

(4) A minister, priest, rabbi, or other person ministering to a resident's religious needs;

(5) A physician or other person providing health care services to a resident;

(6) Employees authorized by county departments of human services and local boards of health or health departments to enter adult care facilities;

(7) A prospective resident and ~~his~~ prospective resident's sponsor.

(C) The manager of an adult care facility may require a person seeking to enter the facility to present identification sufficient to identify ~~him~~ the person as an authorized person under this section.

Sec. 3722.16. (A) No person shall:

(1) Operate an adult care facility unless the facility is validly licensed by the director of health under section 3722.04 of the Revised Code;

(2) Admit to an adult care facility more residents than the number authorized in the facility's license;

(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending

admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.

(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;

(5) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.

(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following are the case:

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period by one or more of the following:

(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(b) A hospice care program licensed under Chapter 3712. of the Revised Code;

(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility;

(d) A mental health agency or, pursuant to division (A)(6)(b) of section 340.03 of the Revised Code, a board of alcohol, drug addiction, and mental health services.

(2) The staff of the home health agency, hospice care program, ~~or~~ nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services does not train facility staff to provide the skilled nursing care;

(3) The individual to whom the skilled nursing care is provided is suffering from a short-term illness;

(4) If the skilled nursing care is to be provided by the nursing staff of a nursing home, all of the following are the case:

(a) The adult care facility evaluates the individual receiving the skilled nursing care at least once every seven days to determine whether ~~he~~ the individual should be transferred to a nursing home;

(b) The adult care facility meets at all times staffing requirements established by rules adopted under section 3722.10 of the Revised Code;

(c) The nursing home does not include the cost of providing skilled nursing care to the adult care facility residents in a cost report filed under section 5111.26 of the Revised Code;

(d) The nursing home meets at all times the nursing home licensure staffing ratios established by rules adopted under section 3721.04 of the Revised Code;

(e) The nursing home staff providing skilled nursing care to adult care facility residents are registered nurses or licensed practical nurses licensed under Chapter 4723. of the Revised Code and meet the personnel qualifications for nursing home staff established by rules adopted under section 3721.04 of the Revised Code;

(f) The skilled nursing care is provided in accordance with rules established for nursing homes under section 3721.04 of the Revised Code;

(g) The nursing home meets the skilled nursing care needs of the adult care facility residents;

(h) Using the nursing home's nursing staff does not prevent the nursing home or adult care facility from meeting the needs of the nursing home and adult care facility residents in a quality and timely manner.

Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home. No adult care facility shall provide skilled nursing care.

(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section 5701.13 of the Revised Code or the adult care facility is owned and operated by the same person and located on the same site as a nursing home licensed under Chapter 3721. of the Revised Code that is associated with the home health agency or hospice care program. In addition, the following requirements shall be met:

(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether ~~he~~ the individual should be transferred to a nursing home;

(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code.

(D)(1) No person knowingly shall place or recommend placement of any person in an adult care facility that is operating without a license.

(2) No employee of a unit of local or state government ~~or a community~~, board of alcohol, drug addiction, and mental health ~~board or~~ services, mental health agency, or PASSPORT administrative agency shall place or recommend placement of any person in an adult care facility if the employee knows that the facility cannot meet the needs of the potential resident.

(3) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health.

(E) In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules that define a short-term illness for purposes of division (B)(3) of this section and specify, consistent with rules pertaining to home health care adopted by the director of human services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section.

Sec. 3722.17. (A) Any person who believes that an adult care facility is in violation of this chapter or of any of the rules promulgated pursuant to it may report the information to the director of health. The director shall investigate each report made under this section or section 3722.16 of the Revised Code and shall inform the facility of the results of the investigation. When investigating a report made pursuant to section 340.05 of the Revised Code, the director shall consult with the board of alcohol, drug addiction, and mental health services that made the report. The director shall keep a record of the investigation and the action taken as a result of the investigation.

The director shall not reveal, without consent, the identity of a person who makes a report under this section or division (D)(3) of section 3722.16 of the Revised Code, the identity of a specific resident or residents referred to in such a report, or any other information that could reasonably be expected to reveal the identity of the person making the report or the resident or residents referred to in the report, except that the director may provide this information to a government agency responsible for enforcing laws applying to adult care facilities.

(B) Any person who believes that a resident's rights under sections 3722.12 to 3722.15 of the Revised Code have been violated may report the information to the state or regional long-term care facilities ~~ombudsman~~ ombudsperson or to the director of health. If the person believes that the resident has mental illness or severe mental disability and is suffering abuse or neglect, the person may report the information to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the adult care facility is located or a mental health agency under contract with the board in addition to or instead of the ombudsperson or director.

(C) Any person who makes a report pursuant to division (A) or (B) of

this section or division (D)(3) of section 3722.16 of the Revised Code or any person who participates in an administrative or judicial proceeding resulting from such a report is immune from any civil liability or criminal liability, other than perjury, that might otherwise be incurred or imposed as a result of these actions, unless the person has acted in bad faith or with malicious purpose.

Sec. 3722.18. Before an adult care facility admits a prospective resident who the owner or manager of the facility knows has been assessed as having a mental illness or severe mental disability, the owner or manager shall do the following in accordance with rules adopted under division (A)(12) of section 3722.10 of the Revised Code:

(A) If the prospective resident is referred to the facility by a mental health agency or board of alcohol, drug addiction, and mental health services, do the following:

(1) Except in an emergency and only until the date an owner or manager of an adult care facility must begin to follow procedures under division (A)(2) of this section, enter into an affiliation agreement with the agency or board. An affiliation agreement with the agency is subject to the board's approval. An affiliation agreement must be consistent with the residential portion of the board's community mental health plan submitted to the department of mental health under section 340.03 of the Revised Code.

(2) Beginning on the date specified in rules adopted under division (A)(12) of section 3722.10 of the Revised Code, follow procedures established in those rules regarding referrals and effective arrangements for ongoing mental health services.

(B) If the prospective resident is not referred to the facility by a mental health agency or board of alcohol, drug addiction, and mental health services, document that the owner or manager has offered to assist the prospective resident in obtaining appropriate mental health services.

Sec. 3734.02. (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules having uniform application throughout the state governing solid waste facilities and the inspections of and issuance of permits and licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, and will undergo closure and post-closure care, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended. The rules may include, without limitation, financial assurance requirements for closure and post-closure care and corrective action and requirements for taking

corrective action in the event of the surface or subsurface discharge or migration of explosive gases or leachate from a solid waste facility, or of ground water contamination resulting from the transfer or disposal of solid wastes at a facility, beyond the boundaries of any area within a facility that is operating or is undergoing closure or post-closure care where solid wastes were disposed of or are being disposed of. The rules shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating solid waste facilities. The director, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules governing the issuance, modification, revocation, suspension, or denial of variances from the director's solid waste rules, including, without limitation, rules adopted under this chapter governing the management of scrap tires.

Variances shall be issued, modified, revoked, suspended, or rescinded in accordance with this division, rules adopted under it, and Chapter 3745. of the Revised Code. The director may order the person to whom a variance is issued to take such action within such time as the director may determine to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the public health or safety or the environment. Applications for variances shall contain such detail plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the director may require. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment. In granting any variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed upon the applicant in place of the provision or provisions. The director may hold a public hearing on an application for a variance or renewal of a variance at a location in the county where the operations that are the subject of the application for the variance are conducted. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail and shall publish at least one notice of the hearing in a newspaper with general circulation in the county where the hearing is to be held. The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Within ten days

after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail.

(B) The director shall prescribe and furnish the forms necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

The director may use moneys in the infectious waste management fund created in section 3734.021 of the Revised Code exclusively for administering and enforcing the provisions of this chapter governing the management of infectious wastes. Of each registration and renewal fee collected under rules adopted under division (A)(2)(a) of section 3734.021 or under section 3734.022 of the Revised Code, the director, within forty-five days of its receipt, shall remit from the fund one-half of the fee received to the board of health of the health district in which the registered premises is located, or, in the instance of an infectious wastes transporter, to the board of health of the health district in which the transporter's principal place of business is located. However, if the board of health having jurisdiction over a registrant's premises or principal place of business is not on the approved list under section 3734.08 of the Revised Code, the director shall not make that payment to the board of health.

(C) Except as provided in this division and ~~division~~ divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued

by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director has disapproved plans and specifications required to be filed by an order issued under division (A)(5) of that section, after the date prescribed for commencement of closure of the facility in the order issued under division (A)(6) of section 3734.05 of the Revised Code denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed registration for the facility to the director in accordance with rules adopted under ~~division~~ divisions (A) and (N)(3) of this section.

This division does not apply to an infectious waste treatment facility that meets any of the following conditions:

(1) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices established by rules adopted under division (C)(1) or (3) of section 3734.021 of the Revised Code, wastes that are generated at any premises owned or operated by that generator regardless of whether the wastes are generated on the premises where the generator's treatment facility is located or, if the generator is a hospital as defined in section 3727.01 of the Revised Code, infectious wastes that are described in division (A)(1)(g), (h), or (i) of section 3734.021 of the Revised Code;

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment that are disposed of with solid wastes from the individual's residence; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division and section 3734.18 of the Revised Code:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit from the hazardous waste facility board issued in accordance with section 3734.05 of

the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed five years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC MANAGEMENT UNIT	TYPE OF FACILITY	FEE
Storage facility using:		
Containers	On-site, off-site, and satellite	$ 500
Tanks	On-site, off-site, and satellite	500
Waste pile	On-site, off-site, and satellite	3,000
Surface impoundment	On-site and satellite	8,000
	Off-site	10,000
Disposal facility using:		
Deep well injection	On-site and satellite	15,000
	Off-site	25,000
Landfill	On-site and satellite	25,000
	Off-site	40,000
Land application	On-site and satellite	2,500
	Off-site	5,000
Surface impoundment	On-site and satellite	10,000
	Off-site	20,000
Treatment facility using:		

Tanks	On-site, off-site, and satellite	700
Surface impoundment	On-site and satellite	8,000
	Off-site	10,000
Incinerator	On-site and satellite	5,000
	Off-site	
Other forms of treatment	On-site, off-site, and satellite	1,000

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit from the board does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules

for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(8) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste

facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the poles, towers, foundations, or other structures supporting or sustaining any such lines; or of the appurtenances to those structures, necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structure, located on or above the land surface on any such easement or right-of-way. Within twenty-four hours after commencing any such emergency repair, replacement, or maintenance work, the public utility shall notify the director or the director's authorized representative of those activities and shall provide such information regarding those activities as the director or the director's representative may request. Upon completion of the emergency repair, replacement, or maintenance activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility, in the operation of the facility, shall cause, permit, or allow the emission therefrom of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that, in the opinion of the director, unreasonably interferes with the comfortable enjoyment of life or property by persons living or working in the vicinity of the facility, or that is injurious to public health. Any such action is hereby declared to be a public nuisance.

(J) Notwithstanding any other provision of this chapter, in the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days

in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) No owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes, other than those subject to division (A)(1)(c) of section 3734.021 of the Revised Code, that have not been treated to render them noninfectious. For the purposes of this division, certification by the owner or operator of the treatment facility where the wastes were treated on the shipping paper required by rules adopted under division (D)(2) of that section creates a rebuttable presumption that the wastes have been so treated.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of

the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any candidate area located in this state and identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of filing of the application for the permit, unless the facility or proposed facility is or is to be used exclusively for the disposal of solid wastes generated within the park or recreation area and the director determines that the facility or proposed facility will not degrade any of the natural or cultural resources of the park or recreation area. The director shall not issue a variance under division (A) of this section and rules adopted under it, or issue an exemption order under division (G) of this section, that would authorize any such establishment or expansion of a solid waste facility within the boundaries of any such park or recreation area, state park purchase area, or candidate area, other than a solid waste facility exclusively for the disposal of solid wastes generated within the park or recreation area when the director determines that the facility will not degrade any of the natural or cultural resources of the park or recreation area.

(N)(1) The rules adopted under division (A) of this section, other than those governing variances, do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. Those facilities are subject to and governed by rules adopted under sections 3734.70 to 3734.73 of the Revised Code, as applicable.

(2) Division (C) of this section does not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. The establishment and modification of those facilities are subject to sections 3734.75 to 3734.78 and section 3734.81 of the Revised Code, as applicable.

(3) The director may adopt, amend, suspend, or rescind rules under division (A) of this section creating an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised Code to a solid waste compost facility.

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing solid waste facility shall procure a license under this division to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (A)(2) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to

the general revenue fund. A person who has received a license, upon sale or disposition of a solid waste facility, and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with this chapter and rules adopted under it. The terms and conditions may establish the authorized maximum daily waste receipts for the facility. Limitations on maximum daily waste receipts shall be specified in cubic yards of volume for the purpose of regulating the design, construction, and operation of solid waste facilities. Terms and conditions included in a license or revision to a license by a board of health shall be consistent with, and pertain only to the subjects addressed in, the rules adopted under division (A) of section 3734.02 and division (D) of section 3734.12 of the Revised Code.

(2)(a) Except as provided in divisions (A)(2)(b), (8), and (9) of this section, each person proposing to open a new solid waste facility or to modify an existing solid waste facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code at least two hundred seventy days before proposed operation of the facility and shall concurrently make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the proposed facility is to be located.

(b) On and after the effective date of the rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, each person proposing to open a new solid waste transfer facility or to modify an existing solid waste transfer facility shall submit an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the environmental protection agency for required approval under those rules at least two hundred seventy days before commencing proposed operation of the facility and concurrently shall make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the facility is located or proposed.

(c) Each application for a permit under division (A)(2)(a) or (b) of this section shall be accompanied by a nonrefundable application fee of four

ndred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (A)(1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), or (4) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the

gislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public meeting, the applicant shall provide information and describe the application and respond to comments or questions concerning the application, and the officer or employee of the agency shall describe the permit application process. At the public meeting, any person may submit written or oral comments on or objections to the application. Not more than thirty days after the public meeting, the applicant shall provide the director with a copy of a transcript of the full meeting, copies of any exhibits, displays, or other materials presented by the applicant at the meeting, and the original copy of any written comments submitted at the meeting.

(e) Except as provided in division (A)(2)(f) of this section, prior to taking an action, other than a proposed or final denial, upon an application submitted under division (A)(2)(a) of this section for a permit to open a new or modify an existing solid waste facility, the director shall hold a public information session and a public hearing on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. If the application is for a permit to open a new solid waste facility, the director shall hold the hearing not less than fourteen days after the information session. If the application is for a permit to modify an existing solid waste facility, the director may hold both the information session and the hearing on the same day unless any individual affected by the application requests in writing that the information session and the hearing not be held on the same day, in which case the director shall hold the hearing not less than fourteen days after the information session. The director shall publish notice of the public information session or public hearing not less than thirty days before holding the information session or hearing, as applicable. The notice shall be published in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the information session or hearing, as applicable, and a general description of the proposed new or modified facility. At the public information session, an officer or employee of the environmental protection agency shall describe the status of the permit application and be available to respond to comments or questions concerning the application. At the public hearing, any person may submit written or oral comments on or objections to the approval of the application.

The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the information session and hearing.

(f) The solid waste management policy committee of a county or joint solid waste management district may adopt a resolution requesting expeditious consideration of a specific application submitted under division (A)(2)(a) of this section for a permit to modify an existing solid waste facility within the district. The resolution shall make the finding that expedited consideration of the application without the public information session and public hearing under division (A)(2)(e) of this section is in the public interest and will not endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Upon receiving such a resolution, the director, at the director's discretion, may issue a final action upon the application without holding a public information session or public hearing pursuant to division (A)(2)(e) of this section.

(3) Except as provided in division (A)(10) of this section, and unless the owner or operator of any solid waste facility, other than a solid waste transfer facility or a compost facility that accepts exclusively source separated yard wastes, that commenced operation on or before July 1, 1968, has obtained an exemption from the requirements of division (A)(3) of this section in accordance with division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code in accordance with the following schedule:

(a) Not later than September 24, 1988, if the facility is located in the city of Garfield Heights or Parma in Cuyahoga county;

(b) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(c) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn or Cuyahoga Heights in Cuyahoga county;

(d) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;

(e) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;

(f) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (A)(3)(a) to (e) of this section;

(g) Notwithstanding divisions (A)(3)(a) to (f) of this section, not later than December 31, 1990, if the facility is a solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated and if the facility disposes of more than one hundred thousand tons of solid wastes per year, provided that any such facility shall be subject to division (A)(5) of this section.

(4) Except as provided in divisions (A)(8), (9), and (10) of this section, unless the owner or operator of any solid waste facility for which a permit was issued after July 1, 1968, but before January 1, 1980, has obtained an exemption from the requirements of division (A)(4) of this section under division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under those rules.

(5) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of a solid waste facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(6) The director shall act upon an application submitted under division (A)(3) or (4) of this section and any updated engineering plans, specifications, and information submitted under division (A)(5) of this

section within one hundred eighty days after receiving them. If the director denies any such permit application, the order denying the application or disapproving the plans shall include the requirements that the owner or operator submit a plan for closure and post-closure care of the facility to the director for approval within six months after issuance of the order, cease accepting solid wastes for disposal or transfer at the facility, and commence closure of the facility not later than one year after issuance of the order. If the director determines that closure of the facility within that one-year period would result in the unavailability of sufficient solid waste management facility capacity within the county or joint solid waste management district in which the facility is located to dispose of or transfer the solid waste generated within the district, the director in the order of denial or disapproval may postpone commencement of closure of the facility for such period of time as the director finds necessary for the board of county commissioners or directors of the district to secure access to or for there to be constructed within the district sufficient solid waste management facility capacity to meet the needs of the district, provided that the director shall certify in the director's order that postponing the date for commencement of closure will not endanger ground water or any property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage.

If an emergency need for disposal capacity that may affect public health and safety exists as a result of closure of a facility under division (A)(6) of this section, the director may issue an order designating another solid waste facility to accept the wastes that would have been disposed of at the facility to be closed.

(7) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water pollution, or endanger public health or safety, the director may issue a permit for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition.

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do not apply to a solid waste compost facility that accepts exclusively source separated yard wastes and that is registered under division (C) of section 3734.02 of the

Revised Code or, unless otherwise provided in rules adopted under division (N)(3) of section 3734.02 of the Revised Code, to a solid waste compost facility if the director has adopted rules establishing an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility under that division.

(9) Divisions (A)(1) to (7) of this section do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. The approval of plans and specifications, as applicable, and the issuance of registration certificates, permits, and licenses for those facilities are subject to sections 3734.75 to 3734.78 of the Revised Code, as applicable, and section 3734.81 of the Revised Code.

(10) Divisions (A)(3) and (4) of this section do not apply to a solid waste incinerator that was placed into operation on or before October 12, 1994, and that is not authorized to accept and treat infectious wastes pursuant to division (B) of this section.

(B)(1) Each person who is engaged in the business of treating infectious wastes for profit at a treatment facility located off the premises where the wastes are generated that is in operation on August 10, 1988, and who proposes to continue operating the facility shall submit to the board of health of the health district in which the facility is located an application for a license to operate the facility.

Thereafter, no person shall operate or maintain an infectious waste treatment facility without a license issued by the board of health of the health district in which the facility is located or by the director when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

(2)(a) During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing infectious waste treatment facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health

district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with the infectious waste provisions of this chapter and rules adopted under them.

(b) Each person proposing to open a new infectious waste treatment facility or to modify an existing infectious waste treatment facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to section 3734.021 of the Revised Code two hundred seventy days before proposed operation of the facility and concurrently shall make application for a license with the board of health of the health district in which the facility is or is proposed to be located. Not later than ninety days after receiving a completed application under division (B)(2)(b) of this section for a permit to open a new infectious waste treatment facility or modify an existing infectious waste treatment facility to expand its treatment capacity, or receiving a completed application under division (A)(2)(a) of this section for a permit to open a new solid waste incineration facility, or modify an existing solid waste incineration facility to also treat infectious wastes or to increase its infectious waste treatment capacity, that pertains to a facility for which a notation authorizing infectious waste treatment is included or proposed to be included in the solid waste incineration facility's license pursuant to division (B)(3) of this section, the director shall hold a public hearing on the application within the county in which the new or modified infectious waste or solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public hearing on the application, the director shall publish notice of the hearing in each newspaper that has general circulation and that is published in the county in which the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments on or objections to the approval or disapproval of the application. The applicant,

or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:

(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;

(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;

(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;

(v) Not later than December 24, 1989, if the facility is located in a

county not listed in divisions (B)(2)(d)(i) to (iv) of this section.

The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.

(e) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(f) The director shall act upon an application submitted under division (B)(2)(d) of this section and any updated engineering plans, specifications, and information submitted under division (B)(2)(e) of this section within one hundred eighty days after receiving them. If the director denies any such permit application or disapproves any such updated engineering plans, specifications, and information, the director shall include in the order denying the application or disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to an infectious waste treatment facility that meets any of the following conditions:

(a) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices established by rules adopted under division (C)(1) or (3) of section 3734.021 of the Revised Code, wastes that are generated at any premises owned or operated by that generator regardless of whether the wastes are generated on the same premises where the generator's treatment facility is located or, if the generator is a hospital as defined in section 3727.01 of the Revised Code, infectious wastes that are described in division (A)(1)(g), (h), or (i) of section 3734.021 of the Revised Code;

(b) Holds a license or renewal of a license to operate a crematory

facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes.

On and after the effective date of the amendments to the rules adopted under division (C)(2) of section 3734.021 of the Revised Code that are required by Section 6 of Substitute House Bill No. 98 of the 120th General Assembly, the director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in the required amendments to those rules.

(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit an application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency, except as provided in division (E)(2) of this section, at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such earlier time as the director may establish by rule. If the application is for a proposed new hazardous waste disposal or thermal treatment facility, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located at least ninety days before the permit application is submitted to the environmental protection agency.

(D)(1) There is hereby created the hazardous waste facility board,

composed of the director of environmental protection who shall serve as chairperson, the director of natural resources, and the chairperson of the Ohio water development authority, or their respective designees, and one chemical engineer and one geologist who each shall be employed by a state university as defined in section 3345.011 of the Revised Code. The chemical engineer and geologist each shall be appointed by the governor, with the advice and consent of the senate, for a term of two years. The chemical engineer and geologist each shall receive as compensation five thousand dollars per year, plus expenses necessarily incurred in the performance of their duties.

The board shall not issue any final order without the consent of at least three members.

(2) The hazardous waste facility board shall do both of the following:

(a) Pursuant to Chapter 119. of the Revised Code, adopt rules governing procedure to be followed in hearings before the board;

(b) Except as provided in section 3734.123 of the Revised Code, approve or disapprove applications for a hazardous waste facility installation and operation permit for new facilities and applications for modifications to existing permits for which the board has jurisdiction as provided in division (I)(3) of this section.

(3) Except as provided in section 3734.123 of the Revised Code, upon receipt of the completed application for a hazardous waste facility installation and operation permit and a preliminary determination by the staff of the environmental protection agency that the application appears to comply with agency rules and to meet the performance standards set forth in divisions (D), (I), and (J) of section 3734.12 of the Revised Code, the director shall transmit the application to the board, which shall do all of the following:

(a) Promptly fix a date for a public hearing on the application, not fewer than sixty nor more than ninety days after receipt of the completed application. At the public hearing, any person may submit written or oral comments or objections to the approval or disapproval of the application. A representative of the applicant who has knowledge of the location, construction, operation, closure, and post-closure care, if applicable, of the facility shall attend the public hearing in order to respond to comments or questions concerning the facility directed to the representative by the presiding officer.

(b) Give public notice of the date of the public hearing and a summary of the application in a newspaper having general circulation in the county in which the facility is proposed to be located. The notice shall contain, at a

nimum, the date, time, and location of the public hearing and shall include the location and street address of, or the nearest intersection to, the proposed facility, a description of the proposed facility, and the location where copies of the application, a short statement by the applicant of the anticipated environmental impact of the facility, and a map of the facility are available for inspection.

(c) Promptly fix a date for an adjudication hearing, not fewer than ninety nor more than one hundred twenty days after receipt of the completed application, at which hearing the board shall hear and decide all disputed issues between the parties respecting the approval or disapproval of the application.

(4) The parties to any adjudication hearing before the board upon a completed application shall be the following:

(a) The applicant;

(b) The staff of the environmental protection agency;

(c) The board of county commissioners of the county, the board of township trustees of the township, and the chief executive officer of the municipal corporation in which the facility is proposed to be located;

(d) Any other person who would be aggrieved or adversely affected by the proposed facility and who files a petition to intervene in the adjudication hearing not later than thirty days after the date of publication of the notice required in division (D)(3)(b) of this section if the petition is granted by the board for good cause shown. The board may allow intervention by other aggrieved or adversely affected persons up to fifteen days prior to the date of the adjudication hearing for good cause shown when the intervention would not be unduly burdensome to or cause a delay in the permitting process.

(5) The hazardous waste facility board shall conduct any adjudication hearing upon disputed issues in accordance with Chapter 119. of the Revised Code and the rules of the board governing the procedure of such hearings. Each party may call and examine witnesses and submit other evidence respecting the disputed issues presented by an application. A written record shall be made of the hearing and of all testimony and evidence submitted to the board.

(6) The board shall not approve an application for a hazardous waste facility installation and operation permit unless it finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste

standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Contamination of ground and surface waters;

(ii) Fires or explosions from treatment, storage, or disposal methods;

(iii) Accident during transportation of hazardous waste to or from the facility;

(iv) Impact on the public health and safety;

(v) Air pollution;

(vi) Soil contamination.

(e) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of Chapters 3704., 3734., and 6111. of the Revised Code, the applicable rules and standards adopted under those chapters, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility;

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood or that procedures will be in effect to remove the waste before flood waters can reach it.

Division (D)(6)(g) of this section does not apply to the facility of any applicant who demonstrates to the board that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(6)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any candidate area located in this state identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of filing of the application for the permit, unless the facility will be used exclusively for the storage of hazardous waste generated within the park or recreation area in conjunction with the operation of the park or recreation area. Division (D)(6)(h) of this section does not apply to the facility of any applicant for modification of a permit unless the modification application proposes to increase the land area included in the facility or to increase the quantity of hazardous waste that will be treated, stored, or disposed of at the facility.

In rendering a decision upon an application for a hazardous waste facility installation and operation permit, the board shall issue a written order and opinion, which shall include the specific findings of fact and conclusions of law that support the board's approval or disapproval of the application.

If the board approves an application for a hazardous waste facility installation and operation permit, as a part of its written order, it shall issue the permit, upon such terms and conditions as the board finds are necessary to ensure the construction and operation of the hazardous waste facility in

accordance with the standards of this section.

(7) Any party adversely affected by an order of the hazardous waste facility board may appeal the order and decision of the board to the court of appeals of Franklin county. An appellant shall file with the board a notice of appeal, which shall designate the order appealed from. A copy of the notice also shall be filed by the appellant with the court, and a copy shall be sent by certified mail to each party to the adjudication hearing before the board. Such notices shall be filed and mailed within thirty days after the date upon which the appellant received notice from the board by certified mail of the making of the order appealed from. No appeal bond shall be required to make an appeal effective.

The filing of a notice of appeal shall not operate automatically as a suspension of the order of the board. If it appears to the court that an unjust hardship to the appellant will result from the execution of the board's order pending determination of the appeal, the court may grant a suspension of the order and fix its terms.

Within twenty days after receipt of the notice of appeal, the board shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including any transcript of the testimony and any other evidence that has been submitted before the board. The expense of preparing and transcribing the record shall be taxed as a part of the costs of the appeal. The appellant, other than the state or a political subdivision, an agency of either, or any officer of the appellant acting in the officer's representative capacity, shall provide security for costs satisfactory to the court considering the respective interests of the parties and the public interest. Upon demand by a party, the board shall furnish, at the cost of the party requesting it, a copy of the record. If the complete record is not filed within the time provided for in this section, any party may apply to the court to have the case docketed, and the court shall order the record filed.

In hearing the appeal, the court is confined to the record as certified to it by the board. The court may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the board.

The court shall affirm the order complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such findings, it shall reverse, vacate, or modify the order or make such other ruling as is supported by reliable, probative, and substantial evidence and is

in accordance with law. The judgment of the court shall be final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken by any party to the appeal pursuant to the Rules of Practice of the Supreme Court and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

(E)(1) Upon receipt of a completed application, the board shall issue a hazardous waste facility installation and operation permit for a hazardous waste facility subject to the requirements of divisions (D)(6) and (7) of this section and all applicable federal regulations if the facility for which the permit is requested satisfies all of the following:

(a) Was in operation immediately prior to October 9, 1980;

(b) Was in substantial compliance with applicable statutes and rules in effect immediately prior to October 9, 1980, as determined by the director;

(c) Demonstrates to the board that its operations after October 9, 1980, comply with applicable performance standards adopted by the director pursuant to division (D) of section 3734.12 of the Revised Code;

(d) Submits a completed application for a permit under division (C) of this section within six months after October 9, 1980.

The board shall act on the application within twelve months after October 9, 1980.

(2) A hazardous waste facility that was in operation immediately prior to October 9, 1980, may continue to operate after that date if it does all of the following:

(a) Complies with performance standards adopted by the director pursuant to division (D) of section 3734.12 of the Revised Code;

(b) Submits a completed application for a hazardous waste installation and operation permit under division (C) of this section within six months after October 9, 1980;

(c) Obtains the permit under division (D) of this section within twelve months after October 9, 1980.

(3) No political subdivision of this state shall require any additional zoning or other approval, consent, permit, certificate, or condition for the construction or operation of a hazardous waste facility authorized by a hazardous waste facility installation and operation permit issued pursuant to this chapter, nor shall any political subdivision adopt or enforce any law, ordinance, or rule that in any way alters, impairs, or limits the authority granted in the permit.

(4) After the issuance of a hazardous waste facility installation and operation permit by the board, each hazardous waste facility shall be subject to the rules and supervision of the director during the period of its operation,

closure, and post-closure care, if applicable.

(F) Upon approval of the board in accordance with divisions (D) and (E) of this section, the board may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment.

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director or to the hazardous waste facility board by this chapter or the rules adopted under it.

(H)(1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft renewal permit or notice of intent to deny the renewal permit, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of the public comment period, the director, without prior hearing, shall issue or deny the renewal permit in accordance with Chapter 3745. of the Revised Code. The director shall not issue a renewal permit unless the director determines that the facility under the existing permit has a history of compliance with this

hapter, rules adopted under it, the existing permit, or orders entered to enforce such requirements that demonstrates sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit. If the director approves an application for a renewal permit, the director shall issue the permit subject to the payment of the annual permit fee required under division (E) of section 3734.02 of the Revised Code and upon such terms and conditions as the director finds are reasonable to ensure that continued operation, maintenance, closure, and post-closure care of the hazardous waste facility are in accordance with the rules adopted under section 3734.12 of the Revised Code.

(3) An installation and operation permit renewal application submitted to the director that also contains or would constitute an application for a modification shall be acted upon by the director in accordance with division (I) of this section in the same manner as an application for a modification. In approving or disapproving the renewal portion of a permit renewal application containing an application for a modification, the director shall apply the criteria established under division (H)(2) of this section.

(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D) of this section.

(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the hazardous waste facility board as described in divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, any modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator shall be classified as a Class 3 modification.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director has jurisdiction to approve or disapprove applications for Class 1 modifications, Class 2 modifications, and Class 3 modifications not otherwise described in divisions (I)(3)(a) to (d) of this section. The hazardous waste facility board has jurisdiction to approve or disapprove applications for any of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without board approval. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director.

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit:

storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. The director shall transmit to the board requests for Class 3 modifications described in divisions (I)(3)(a) to (d) of this section within two hundred forty days after receiving the requests. Requests for modifications shall be acted upon by the director or the board, as appropriate, in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

For those modification applications for a transfer of a permit to a new owner or operator of a facility, the director also shall determine that, if the transferee owner or operator has been involved in any prior activity involving the transportation, treatment, storage, or disposal of hazardous waste, the transferee owner or operator has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of another state if the transferee owner or operator owns or operates a facility in that state, that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under this chapter and Chapters 3704. and 6111. of the Revised Code, all rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. A permit may be transferred to a new owner or operator only pursuant to a Class 3 permit modification.

As used in division (I)(5) of this section:

(a) "Owner" means the person who owns a majority or controlling interest in a facility.

(b) "Operator" means the person who is responsible for the overall operation of a facility.

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within sixty days after receiving the request for modification. The director shall approve or disapprove an application for a Class 2 modification within three hundred days after receiving the request for modification. The director shall approve or disapprove an application for a Class 3 modification that is not described in divisions (I)(3)(a) to (d) of this section within three hundred sixty-five days after receiving the request for modification.

(6) The approval or disapproval by the director of a Class 1 modification application is not a final action that is appealable under Chapter 3745. of the Revised Code. The approval or disapproval by the director of a Class 2 modification or a Class 3 modification that is not described in divisions (I)(3)(a) to (d) of this section is a final action that is appealable under that chapter. In approving or disapproving a request for a modification, the director shall consider all comments pertaining to the request that are received during the public comment period and the public meetings. The administrative record for appeal of a final action by the

director in approving or disapproving a request for a modification shall include all comments received during the public comment period relating to the request for modification, written materials submitted at the public meetings relating to the request, and any other documents related to the director's action.

(7) The hazardous waste facility board shall approve or disapprove an application for a Class 3 modification transmitted to it under division (I)(4) of this section, or that portion of a permit renewal application that constitutes a Class 3 modification application so transmitted, of a hazardous waste facility installation and operation permit in accordance with division (D) of this section. No other request for a modification shall be subject to division (D)(6) of this section. No aspect of a permitted facility or its operations that is not being modified as described in division (I)(3)(a), (b), (c), or (d) of this section shall be subject to review by the board under division (D) of this section.

(8) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E)(3)(a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I)(1) to (7) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J)(1) Except as provided in division (J)(2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J)(1)(a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with rules adopted under division (K) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal. The application shall be accompanied by information necessary to support the request. The hazardous waste facility board shall approve or disapprove the application in accordance with division (D) of this section, except that the board shall not disapprove an application for the thermal treatment activities on the basis of the criteria set forth in division (D)(6)(g) or (h) of this section.

(3) As used in division (J) of this section:

(a) "Modification application" means a request for a modification submitted in accordance with division (I) of this section.

(b) "Thermal treatment," "boiler," and "industrial furnace" have the same meanings as in rules adopted under section 3734.12 of the Revised Code.

(K) The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code in order to implement divisions (H) and (I) of this section. Except when in actual conflict with this section, rules governing the classification of and procedures for the modification of hazardous waste facility installation and operation permits shall be substantively and procedurally identical to the regulations governing hazardous waste facility permitting and permit modifications

adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

Sec. 3734.06. (A)(1) Except as provided in division (A)(2), (3), and (4) of this section and in section 3734.82 of the Revised Code, the annual fee for a solid waste facility license shall be in accordance with the following schedule:

AUTHORIZED MAXIMUM DAILY WASTE RECEIPT (TONS)	ANNUAL LICENSE FEE
100 or less	$ 5,000
101 to 200	12,500
201 to 500	30,000
501 or more	60,000

For the purpose of determining the applicable license fee under divisions (A)(1) and (2) of this section, the authorized maximum daily waste receipt shall be the maximum amount of wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (A)(2) or (3) of section 3734.05 of the Revised Code; the annual license for the facility, and any revisions to that license, issued under division (A)(1) of section 3734.05 of the Revised Code; the approved operating plan or operational report for which submission and approval are required by rules adopted by the director of environmental protection under section 3734.02 of the Revised Code; an order issued by the director as authorized by rule; or the updated engineering plans, specifications, and facility and operation information approved under division (A)(4) of section 3734.05 of the Revised Code. If no authorized maximum daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (A)(1) of this section and thirty thousand dollars under division (A)(2) of this section.

The authorized maximum daily waste receipt set forth in any such document shall be stated in terms of cubic yards of volume for the purpose of regulating the design, construction, and operation of a solid waste facility. For the purpose of determining applicable license fees under this section, the authorized maximum daily waste receipt so stated shall be converted from cubic yards to tons as the unit of measurement based upon a conversion factor of three cubic yards per ton for compacted wastes generally and one cubic yard per ton for baled wastes.

(2) The annual license fee for a facility that is an incinerator ~~or composting~~ facility is one-half the amount shown in division (A)(1) of this

section. When a municipal corporation, county, or township owns and operates more than one incinerator within its boundaries, the municipal corporation, county, or township shall pay one fee for the licenses for all of its incinerators. The fee shall be determined on the basis of the aggregate maximum daily waste receipt for all the incinerators owned and operated by the municipal corporation, county, or township in an amount that is one-half the amount shown in division (A)(1) of this section.

The annual fee for a solid waste compost facility license shall be in accordance with the following schedule:

AUTHORIZED MAXIMUM DAILY WASTE RECEIPT (TONS)	ANNUAL LICENSE FEE
12 or less	$ 300
13 to 25	600
26 to 50	1,200
51 to 75	1,800
76 to 100	2,500
101 to 200	6,250
201 to 500	15,000
501 or more	30,000

(3) The annual license fee for a solid waste facility, regardless of its authorized maximum daily waste receipt, is five thousand dollars for a facility meeting either of the following qualifications:

(a) The facility is owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) The facility exclusively disposes of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(4) The annual license fee for a facility that is a transfer facility is seven hundred fifty dollars.

(5) The same fees shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the solid waste provisions of this chapter and rules adopted under them, excluding the provisions governing scrap tires. Each such license shall specify that it is conditioned upon

payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(B) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (A)(1), (2), and (3) of this section or the entire amount of any such fee that is less than two thousand five hundred dollars. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the solid waste provisions of this chapter and the rules adopted under them, excluding the provisions governing scrap tires. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund. The board of health shall retain the entire amount of each fee collected under division (A)(4) of this section, which moneys shall be paid into the special fund of the health district.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the annual fee for an infectious waste treatment facility license shall be in accordance with the following schedule:

AVERAGE DAILY WASTE RECEIPT (TONS)	ANNUAL LICENSE FEE
100 or less	$ 5,000
101 to 200	12,500
201 to 500	30,000
501 or more	60,000

For the purpose of determining the applicable license fee under divisions (C)(1) and (2) of this section, the average daily waste receipt shall be the average amount of infectious wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (B)(2)(b) or (d) of section 3734.05 of the Revised Code; or the annual license for the facility, and any revisions to that license, issued under division (B)(2)(a) of section 3734.05 of the Revised Code. If no average daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (C)(1) of this section and thirty thousand dollars under division (C)(2) of this section.

(2) The annual license fee for an infectious waste treatment facility that is an incinerator is one-half the amount shown in division (C)(1) of this section.

(3) Fees levied under divisions (C)(1) and (2) of this section shall apply to private operators and to the state and its political subdivisions and shall be

paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the infectious waste provisions of this chapter and rules adopted under them. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(4) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (C)(1) and (2) of this section. The moneys retained shall be paid into a special infectious waste fund, which is hereby created in each health district, and used solely to administer and enforce the infectious waste provisions of this chapter and the rules adopted under them. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund.

Sec. 3734.18. (A) There are hereby levied fees on the disposal of hazardous waste to be collected according to the following schedule at each disposal facility to which the hazardous waste facility board has issued a hazardous waste facility installation and operation permit or the director of environmental protection has issued a renewal permit pursuant to section 3734.05 of the Revised Code:

(1) For disposal facilities that are off-site facilities as defined in division (E) of section 3734.02 of the Revised Code, fees shall be levied at the rate of four dollars and fifty cents per ton for hazardous waste disposed of by deep well injection and nine dollars per ton for hazardous waste disposed of by land application or landfilling. The owner or operator of the facility, as a trustee for the state, shall collect the fees and forward them to the director in accordance with rules adopted under this section.

(2) For disposal facilities that are on-site or satellite facilities, as defined in division (E) of section 3734.02 of the Revised Code, fees shall be levied at the rate of two dollars per ton for hazardous waste disposed of by deep well injection and four dollars per ton for hazardous waste disposed of by land application or landfilling. The maximum annual disposal fee for an on-site disposal facility that disposes of one hundred thousand tons or less of hazardous waste in a year is twenty-five thousand dollars. The maximum annual disposal fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by land application or landfilling is fifty thousand dollars, and the maximum annual fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by deep well injection is one hundred thousand

dollars. The maximum annual disposal fee for a satellite facility that disposes of one hundred thousand tons or less of hazardous waste in a year is thirty-seven thousand five hundred dollars, and the maximum annual disposal fee for a satellite facility that disposes of more than one hundred thousand tons of hazardous waste in a year is seventy-five thousand dollars, except that a satellite facility defined under division (E)(3)(b) of section 3734.02 of the Revised Code that receives hazardous waste from a single generation site is subject to the same maximum annual disposal fees as an on-site disposal facility. The owner or operator shall pay the fee to the director each year upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code. If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that it is late.

(B) There are hereby levied fees at the rate of two dollars per ton on hazardous waste that is treated at treatment facilities that are not on-site or satellite facilities, as defined in division (E) of section 3734.02 of the Revised Code, to which the hazardous waste facility board has issued a hazardous waste facility installation and operation permit or the director has issued a renewal permit, or that are not subject to the hazardous waste facility installation and operation permit requirements under rules adopted by the director.

(C) There are hereby levied additional fees on the treatment and disposal of hazardous waste at the rate of ten per cent of the applicable fees prescribed in division (A) or (B) of this section for the purposes of paying the costs of municipal corporations and counties for conducting reviews of applications for hazardous waste facility installation and operation permits for proposed new or modified hazardous waste landfills within their boundaries, emergency response actions with respect to releases of hazardous waste from hazardous waste facilities within their boundaries, monitoring the operation of such hazardous waste facilities, and local waste management planning programs. The owner or operator of a facility located within a municipal corporation, as a trustee for the municipal corporation, shall collect the fees levied by this division and forward them to the treasurer of the municipal corporation or such officer as, by virtue of the charter, has the duties of the treasurer in accordance with rules adopted under this section. The owner or operator of a facility located in an unincorporated area, as a trustee of the county in which the facility is located, shall collect the fees levied by this division and forward them to the

county treasurer of that county in accordance with rules adopted under this section. The owner or operator shall pay the fees levied by this division to the treasurer or such other officer of the municipal corporation or to the county treasurer each year upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code. If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that the payment is late.

Moneys received by a municipal corporation under this division shall be paid into a special fund of the municipal corporation and used exclusively for the purposes of conducting reviews of applications for hazardous waste facility installation and operation permits for new or modified hazardous waste landfills located or proposed within the municipal corporation, conducting emergency response actions with respect to releases of hazardous waste from facilities located within the municipal corporation, monitoring operation of such hazardous waste facilities, and conducting waste management planning programs within the municipal corporation through employees of the municipal corporation or pursuant to contracts entered into with persons or political subdivisions. Moneys received by a board of county commissioners under this division shall be paid into a special fund of the county and used exclusively for those purposes within the unincorporated area of the county through employees of the county or pursuant to contracts entered into with persons or political subdivisions.

(D) As used in this section, "treatment" or "treated" does not include any method, technique, or process designed to recover energy or material resources from the waste or to render the waste amenable for recovery. The fees levied by division (B) of this section do not apply to hazardous waste that is treated and disposed of on the same premises or by the same person.

(E) The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe any dates not specified in this section and procedures for collecting and forwarding the fees prescribed by this section and may prescribe other requirements that are necessary to carry out this section.

The director shall deposit the moneys collected under divisions (A) and (B) of this section into one or more minority banks, as "minority bank" is defined in division (F)(1) of section 135.04 of the Revised Code, to the credit of the hazardous waste facility management fund, which is hereby created in the state treasury, except that the director shall deposit to the credit of the underground injection control fund created in section 6111.046

of the Revised Code moneys in excess of fifty thousand dollars that are collected during a fiscal year under division (A)(2) of this section from the fee levied on the disposal of hazardous waste by deep well injection at an on-site disposal facility that disposes of more than one hundred thousand tons of hazardous waste in a year.

The environmental protection agency and the hazardous waste facility board may use moneys in the hazardous waste facility management fund for administration of the hazardous waste program established under this chapter and, in accordance with this section, may request approval by the controlling board for that use on an annual basis. In addition, the agency may use and pledge moneys in that fund for repayment of and for interest on any loans made by the Ohio water development authority to the agency for the hazardous waste program established under this chapter without the necessity of requesting approval by the controlling board, which use and pledge shall have priority over any other use of the moneys in the fund.

Until September 28, 1996, the director also may use moneys in the fund to pay the start-up costs of administering Chapter 3746. of the Revised Code. ~~Not later than thirteen years after so using any such moneys, ending on June 30, 2008, the director shall reimburse the fund in the amount of moneys so used with moneys from the voluntary action program administration fund created in section 3746.16 of the Revised Code. Beginning in fiscal year 1999, the amount that is reimbursed in each fiscal year shall not exceed two hundred eighty thousand three hundred twenty-eight dollars.~~

If moneys in the ~~hazardous waste facility management~~ fund that the agency uses in accordance with this chapter are reimbursed by grants or other moneys from the United States government, the grants or other moneys shall be placed in the fund. ~~If moneys in the fund that the agency uses to pay the state's long-term operation and maintenance costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, are reimbursed by grants or other moneys from any person, the reimbursed moneys shall be placed in the fund for reuse as the state's long-term operation and maintenance costs or matching share for such actions and not in the general revenue fund or the hazardous waste clean-up fund created in section 3734.28 of the Revised Code.~~

Before the agency makes any expenditure from the ~~hazardous waste facility management~~ fund other than for repayment of and interest on any loan made by the Ohio water development authority to the agency in accordance with this section, the controlling board shall approve the

expenditure.

Sec. 3734.28. All moneys collected under sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised Code and natural resource damages collected by the state under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall be paid into the state treasury to the credit of the hazardous waste clean-up fund, which is hereby created. The environmental protection agency shall use the moneys in the fund ~~only~~ for the purposes set forth in division (D) of section 3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, and, through June 30, ~~1999~~ 2001, Chapter 3746. of the Revised Code and for any related enforcement expenses. In addition, the agency shall use the moneys in the fund to pay the state's long-term operation and maintenance costs or matching share for actions taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. If those moneys are reimbursed by grants or other moneys from the United States or any other person, the moneys shall be placed in the fund and not in the general revenue fund.

Sec. 3734.281. notwithstanding any provision of law to the contrary, any moneys set aside by the state for the cleanup and remediation of the ashtabula RIVER; any moneys collected from settlements made by the Director of environmental protection, including those associated with BANKRUPTCIES, related to actions brought under section 3734.14, 3734.20, 3734.22, 6111.03, or 6111.04 of the Revised Code; and any moneys RECEIVED under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 stat. 2767, 42 u.s.c. 9602, as amended, may be paid into the state treasury to the credit of the environmental protection remediation fund, which is hereby created. the environmental protection agency shall use the moneys in the fund only for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the director has reason to believe there is a substantial threat to public health or safety or the environment. remediation may include the direct and indirect costs associated with the overseeing, supervising, performing, verifying, or reviewing of remediation activities by agency employees. all investment EARNINGS of the fund shall be credited to the fund.

Sec. 3734.57. (A) For the purposes of paying the state's long-term operation costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; paying the costs of

measures for proper clean-up of sites where polychlorinated biphenyls and substances, equipment, and devices containing or contaminated with polychlorinated biphenyls have been stored or disposed of; paying the costs of conducting surveys or investigations of solid waste facilities or other locations where it is believed that significant quantities of hazardous waste were disposed of and for conducting enforcement actions arising from the findings of such surveys or investigations; ~~and~~ paying the costs of acquiring and cleaning up, or providing financial assistance for cleaning up, any hazardous waste facility or solid waste facility containing significant quantities of hazardous waste, that constitutes an imminent and substantial threat to public health or safety or the environment; and, from July 1, ~~1997~~ 1999, through June 30, ~~1999~~ 2001, for the purposes of paying the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and any rules adopted under them, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code, the following fees are hereby levied on the disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 1993;

(2) An additional seventy-five cents per ton on and after July 1, ~~1997~~ 1999, through June 30, ~~1999~~ 2001.

The owner or operator of a solid waste disposal facility shall collect the fees levied under this division as a trustee for the state and shall prepare and file with the director of environmental protection monthly returns indicating the total tonnage of solid wastes received for disposal at the gate of the facility and the total amount of the fees collected under this division. Not later than thirty days after the last day of the month to which such a return applies, the owner or operator shall mail to the director the return for that month together with the fees collected during that month as indicated on the return. The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within sixty days after the last day of the month during which they were collected, the owner or operator shall pay an additional fifty per cent of the amount of the fees for each month that they are late.

One-half of the moneys remitted to the director under division (A)(1) of this section shall be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code, and one-half shall be credited to the hazardous waste clean-up fund created in section 3734.28 of the Revised Code. The moneys remitted to the director under division (A)(2) of this section shall be credited to the solid waste fund, which is hereby created in the state treasury. The environmental protection agency shall use moneys in the solid waste fund only to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and rules adopted under them and to pay a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be added to any other fee or amount specified in a contract that is charged by the owner or operator of a solid waste disposal facility or to any other fee or amount that is specified in a contract entered into on or after March 4, 1992, and that is charged by a transporter of solid wastes.

(B) For the purpose of preparing, revising, and implementing the solid waste management plan of the county or joint solid waste management district, including, without limitation, the development and implementation of solid waste recycling or reduction programs; providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for the enforcement of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions; providing financial assistance to the county to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan; paying the costs incurred by boards of health for collecting and analyzing water samples from public or private wells on lands adjacent to solid waste facilities that are contained in the approved or amended plan of the district; paying the costs of developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities

included in the district's approved solid waste management plan or amended plan; providing financial assistance to boards of health within the district for enforcing laws prohibiting open dumping; providing financial assistance to local law enforcement agencies within the district for enforcing laws and ordinances prohibiting littering; providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code for the training and certification required for their employees responsible for solid waste enforcement by rules adopted under division (L) of section 3734.02 of the Revised Code; providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district; and payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

If any such fees are levied prior to January 1, 1994, fees levied under division (B)(1) of this section always shall be equal to one-half of the fees levied under division (B)(2) of this section, and fees levied under division (B)(3) of this section, which shall be in addition to fees levied under division (B)(2) of this section, always shall be equal to fees levied under division (B)(1) of this section, except as otherwise provided in this division. The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees

are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if the fees under divisions (B)(1) to (3) of this section are being levied on the basis of cubic yards as the unit of measurement under the plan, amended plan, or resolution.

On and after January 1, 1994, the fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section, except as otherwise provided in this division and notwithstanding any schedule of those fees established in the solid waste management plan of a county or joint district approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that is in effect on that date. If the fee that a district is levying under division (B)(1) of this section on that date under its approved plan or such a resolution is less than one dollar per ton, the fee shall be one dollar per ton on and after January 1, 1994, and if the fee that a district is so levying under that division exceeds two dollars per ton, the fee shall be two dollars per ton on and after that date. If the fee that a district is so levying under division (B)(2) of this section is less than two dollars per ton, the fee shall be two dollars per ton on and after that date, and if the fee that the district is so levying under that division exceeds four dollars per ton, the fee shall be four dollars per ton on and after that date. On that date, the fee levied by a district under division (B)(3) of this section shall be equal to the fee levied under division (B)(1) of this section. Except as otherwise provided in this division, the fees established by the operation of this amendment shall remain in effect until the district's resolution levying fees under this division is amended or repealed in accordance with this division to amend or abolish the schedule of fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the

notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

The solid waste management policy committee of a district levying fees under divisions (B)(1) to (3) of this section on October 29, 1993, under its solid waste management plan approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that are within the ranges of rates prescribed by this amendment, by adoption of a resolution not later than December 1, 1993, and without the necessity for ratification of the resolution under this division, may amend those fees within the prescribed ranges, provided that the estimated revenues from the amended fees will not substantially exceed the estimated revenues set forth in the district's budget for calendar year 1994. Not later than seven days after the adoption of such a resolution, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the adoption of the resolution and of the amount of the amended fees. Collection of the amended fees shall take effect on the first day of the first month following the month in which the notification is sent to the owner or operator. The fees established in such a resolution shall remain in effect until the district's resolution levying fees that was adopted and ratified under this division is amended or repealed, and the amendment or repeal of the resolution is ratified, in accordance with this division, to amend or abolish the fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

Prior to the approval of the solid waste management plan of the district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a

notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees.

In the case of a county district or a joint district formed by two or three counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the district upon determining that the board of county commissioners of each county forming the district has approved the proposed revised fees and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the district comprising at least sixty per cent of the total population of the district have approved the proposed revised fees, provided that in the case of a county district, that combination shall include the municipal corporation having the largest population within the boundaries of the district, and provided further that in the case of a joint district formed by two or three counties, that combination shall include for each county forming the joint

district the municipal corporation having the largest population within the boundaries of both the county in which the municipal corporation is located and the joint district. In the case of a joint district formed by four or more counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the joint district upon determining that the boards of county commissioners of a majority of the counties forming the district have approved the proposed revised fees; that, in each of a majority of the counties forming the joint district, the proposed revised fees have been approved by the municipal corporation having the largest population within the county and the joint district; and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the joint district comprising at least sixty per cent of the total population of the joint district have approved the proposed revised fees.

For the purposes of this division, only the population of the unincorporated area of a township shall be considered. For the purpose of determining the largest municipal corporation within each county under this division, a municipal corporation that is located in more than one solid waste management district, but that is under the jurisdiction of one county or joint solid waste management district in accordance with division (A) of section 3734.52 of the Revised Code shall be considered to be within the boundaries of the county in which a majority of the population of the municipal corporation resides.

The committee may amend the schedule of fees levied pursuant to a resolution or amended resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may abolish the fees levied pursuant to such a resolution or amended resolution by adopting a resolution proposing to repeal them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the fees or amended fees to be ratified under this division, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the ratification and the amount of the fees. Collection of any fees or amended fees ratified on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

Not later than fourteen days after declaring the repeal of the district's schedule of fees to be ratified under this division, the committee shall notify by certified mail the owner or operator of each facility that is collecting the fees of the repeal. Collection of the fees shall cease on the first day of the

second month following the month in which notification is sent to the owner or operator.

Not later than fourteen days after the director issues an order approving a district's solid waste management plan under section 3734.55 of the Revised Code or amended plan under division (A) or (D) of section 3734.56 of the Revised Code that establishes or amends a schedule of fees levied by the district, or the ratification of an amendment to the district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code that establishes or amends a schedule of fees, as appropriate, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees or amended fees. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, that establishes or amends a schedule of fees levied under divisions (B)(1) to (3) of this section by a district resulting from the change, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees or amended fees. Collection of any fees set forth in a plan or amended plan approved by the director on or after April 16, 1993, or an amendment of a plan or amended plan under division (E) of section 3734.56 of the Revised Code that is ratified on or after April 16, 1993, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

Not later than fourteen days after the director issues an order approving a district's plan under section 3734.55 of the Revised Code or amended plan under division (A) or (D) of section 3734.56 of the Revised Code that abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section, or an amendment to the district's approved plan or amended plan abolishing the schedule of fees is ratified pursuant to division (E) of section 3734.56 of the Revised Code, as appropriate, the committee shall notify by certified mail the owner or operator of each facility that is collecting the fees of the approval of the plan or amended plan, or the amendment of the plan or amended plan, as appropriate, and the abolishment of the fees. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, that

abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section by a district resulting from the change, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the abolishment of the fees. Collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

Except as otherwise provided in this division, if the schedule of fees that a district is levying under divisions (B)(1) to (3) of this section pursuant to a resolution or amended resolution adopted and ratified under this division, the solid waste management plan of the district approved under section 3734.55 of the Revised Code, an amended plan approved under division (A) or (D) of section 3734.56 of the Revised Code, or an amendment to the district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code, is amended by the adoption and ratification of an amendment to the resolution or amended resolution or an amendment of the district's approved plan or amended plan, the fees in effect immediately prior to the approval of the plan or the amendment of the resolution, amended resolution, plan, or amended plan, as appropriate, shall continue to be collected until collection of the amended fees commences pursuant to this division.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended ~~pan~~ plan as so approved or, if appropriate, the abolishment of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan abolishes a schedule of fees, collection of the fees shall cease on that first day of

January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the abolishment of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan abolishes a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

In the case of a change in district composition, the schedule of fees that the former districts that existed prior to the change were levying under divisions (B)(1) to (3) of this section pursuant to a resolution or amended resolution adopted and ratified under this division, the solid waste management plan of a former district approved under section 3734.521 or 3734.55 of the Revised Code, an amended plan approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or an amendment to a former district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code, and that were in effect on the date that the director completed the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code shall continue to be collected until the collection of the fees or amended fees of the districts resulting from the change is required to commence, or if an initial or amended plan of a resulting district abolishes a schedule of fees, collection of the fees is required to cease, under this division. Moneys so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or abolished is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the

month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed

waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the clerk of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or such other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the clerk of the township under that division shall be paid into the general fund of the township. The treasurer or such other officer of the municipal corporation or the clerk, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's

olid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of

permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations or to the clerks of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to

implement and administer divisions (A), (B), and (C) of this section. Collection of the fees levied under division (A)(1) of this section shall commence on July 1, 1993. Collection of the fees levied under division (A)(2) of this section shall commence on January 1, 1994.

Sec. 3734.82. (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule:

Daily Design Input Capacity (Tons)	Annual License Fee
1 or less	$ 100
2 to 25	500
26 to 50	1,000
51 to 100	1,500
101 to 200	2,500
201 to 500	3,500
501 or more	5,500

For the purpose of determining the applicable license fee under this division, the daily design input capacity shall be the quantity of scrap tires the facility is designed to process daily as set forth in the registration certificate or permit for the facility, and any modifications to the permit, if applicable, issued under section 3734.78 of the Revised Code.

(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule:

Authorized Maximum Daily Waste Receipt (Tons)	Annual License Fee
100 or less	$ 5,000
101 to 200	12,500
201 to 500	30,000
501 or more	60,000

For the purpose of determining the applicable license fee under this division, the authorized maximum daily waste receipt shall be the maximum amount of scrap tires the facility is authorized to receive daily that is established in the permit for the facility, and any modification to that permit, issued under section 3734.77 of the Revised Code.

(C)(1) Except as otherwise provided in division (C)(2) of this section, the annual fee for a scrap tire storage facility license shall equal one thousand dollars times the number of acres on which scrap tires are to be stored at the facility during the license year, as set forth on the application for the annual license, except that the total annual license fee for any such

facility shall not exceed three thousand dollars.

(2) The annual fee for a scrap tire storage facility license for a storage facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is one hundred dollars.

(D)(1) Except as otherwise provided in division (D)(2) of this section, the annual fee for a scrap tire collection facility license is two hundred dollars.

(2) The annual fee for a scrap tire collection facility license for a collection facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is fifty dollars.

(E) Except as otherwise provided in divisions (C)(2) and (D)(2) of this section, the same fees apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after the issuance of a license. The fees include the cost of licensing, all inspections, and other costs associated with the administration of the scrap tire provisions of this chapter and rules adopted under them. Each license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director of environmental protection, as appropriate, within thirty days after the issuance of the license.

(F) The board of health shall retain fifteen thousand dollars of each license fee collected by the board under division (B) of this section, or the entire amount of any such fee that is less than fifteen thousand dollars, and the entire amount of each license fee collected by the board under divisions (A), (C), and (D) of this section. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the scrap tire provisions of this chapter and rules adopted under them. The remainder, if any, of each license fee collected by the board under division (B) of this section shall be transmitted to the director within forty-five days after receipt of the fee.

(G) The director shall transmit the moneys received by the director from license fees collected under division (B) of this section to the treasurer of state to be credited to the scrap tire management fund, which is hereby created in the state treasury. The fund shall consist of all federal moneys received by the environmental protection agency for the scrap tire management program; all grants, gifts, and contributions made to the director for that program; and all other moneys that may be provided by law for that program. The director shall use moneys in the fund as follows:

(1) Expend not more than seven hundred fifty thousand dollars during each fiscal year to implement, administer, and enforce the scrap tire provisions of this chapter and rules adopted under them;

(2) For fiscal years 1998 and 1999, grant not more than one hundred fifty thousand dollars during each fiscal year to the polymer institute at the university of Akron for the purpose of expediting research concerning and evaluation of alternative methods of recycling scrap tires. The institute shall report to the director annually concerning research programs under review, and the results of scrap tire recycling experiments conducted, by or in conjunction with the institute. The university shall report to the director biennially concerning the expenditures of moneys received by the institute under division (G)(2) of this section.

(3) During each ~~of~~ fiscal ~~years 1998, 1999, and 2000~~ year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the ~~facilities establishment~~ scrap tire loans and grants fund created in section ~~166.03~~ 166.032 of the Revised Code for the purposes specified in that section;

(4) Annually transfer to the central support indirect fund created in section 3745.014 of the Revised Code an amount equal to not more than twelve per cent of each fiscal year's appropriation to the scrap tire management fund.

(H)(1) If, during a fiscal year ~~1997, 1998, 1999, or 2000~~, more than three million five hundred thousand dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer to the ~~facilities establishment~~ scrap tire loans and grants fund one-half of the moneys credited to the scrap tire management fund in excess of that amount.

(2) In each ~~of~~ fiscal ~~years 1998, 1999, and 2000~~ year, if more than three million five hundred thousand dollars are credited to the scrap tire management fund during the preceding fiscal year, the director shall expend during the current fiscal year one-half of that excess amount to conduct removal operations under section 3734.85 of the Revised Code.

(I) After the actions in divisions (G)(1) to (4) and (H) of this section are completed during each ~~of~~ fiscal ~~years 1998, 1999, and 2000~~ year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the

proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.

Sec. 3734.87. ~~Not later than five years after the effective date of this section~~ During the years 2002 and 2006, the director of environmental protection shall submit a report to the speaker of the house of representatives and the president of the senate concerning the implementation, administration, and enforcement of the scrap tire provisions of this chapter and rules adopted under them, including at least a discussion of the expenditure of moneys from the scrap tire management fund created in section 3734.82 of the Revised Code and recommendations concerning any legislative changes needed to improve that implementation, administration, and enforcement.

Sec. 3734.901. (A) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants to promote research regarding alternative methods of recycling scrap tires and loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The fee is levied from the first day of the calendar month that begins next after thirty days from ~~the effective date of this section~~ October 29, 1993, through June 30, ~~2000~~ 2006.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3742.03. ~~Not later than six months after the effective date of this section, the~~ The public health council shall adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this chapter. The rules shall specify all of the following:

(A) Procedures to be followed by any individual licensed under section 3742.05 of the Revised Code for undertaking lead abatement activities;

(B)(1) Requirements for training and licensure, in addition to those established under section 3742.08 of the Revised Code, to include levels of training and periodic refresher training for each class of worker, and to be used for licensure under section 3742.05 of the Revised Code. These requirements shall include at least twenty-four classroom hours of training based on the Occupational Safety and Health Act training program for lead set forth in 29 C.F.R. 1926.62. In establishing the training and licensure

requirements, the public health council shall consider the core of information that is needed by all licensed persons, and establish the training requirements so that persons who would seek licenses in more than one area would not have to take duplicative course work.

(2) Persons certified by the American board of industrial hygiene as a certified industrial hygienist ~~(CIH)~~ or as an industrial hygienist-in-training ~~(IHIT)~~, and persons registered as a sanitarian or sanitarian-in-training under Chapter 4736. of the Revised Code, shall be exempt from any training requirements for initial licensure established under this chapter, but shall be required to take any examinations for licensure required under section 3742.05 of the Revised Code.

(C) Fees for licenses issued under section 3742.05 of the Revised Code and for their renewal~~. The public health council may establish an "examination only" fee for licensure of persons who are exempt from training requirements for licensure but who are required to take examinations for licensure.~~;

(D) Procedures to be followed by lead inspectors, lead abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, and lead abatement workers to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects;

(E)(1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers for lead abatement projects;

(2) Record-keeping and reporting requirements regarding lead poisoning for physicians, in addition to the requirements of section 3701.25 of the Revised Code;

(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.

(F) Procedures for inspections conducted by the director of health or a board of health under section 3742.12 or 3742.13 of the Revised Code;

(G) The level of lead in lead-based paint, lead-contaminated dust, and lead-contaminated soil that is hazardous to human health;

(H) The level of lead in human blood that is hazardous to human health according to information obtained from the centers for disease control and prevention in the public health service of the United States department of health and human services;

(I) Environmental sampling techniques for use in collecting samples of air, water, paint, and other materials;

(J) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;

(K) Requirements ~~that~~ under which a manufacturer of a lead abatement ~~systems and abatement products~~ system or product must demonstrate evidence of safety and durability of ~~their products~~ its system or product by providing results of testing from an independent laboratory ~~that indicate~~ indicating that the ~~products meet~~ system or product meets the standards developed ~~by theASTM "E06.23" subcommittee~~ for the particular ~~product or~~ system or product by the "E06.23 subcommittee," which is the lead-paint abatement subcommittee of the performance of buildings committee of the American society for testing and materials;

(L) Procedures to be followed by the public health council in revising its rules to ensure that lead-hazard activities meeting the provisions of this chapter continue to be eligible for federal funding and meet the requirements promulgated by regulation by the United States environmental protection agency, the United States department of housing and urban development, and other federal agencies that may have jurisdiction over lead hazards;

(M) Any other requirements the council considers appropriate for the administration or enforcement of this chapter.

Sec. 3742.04. (A) The director of health shall do all of the following:

(1) Administer and enforce the requirements of this chapter and the rules adopted pursuant to it;

(2)(a) Conduct research and disseminate information on the number, extent, and general geographic location of lead-contaminated structures, which may include a statewide survey and may include the establishment of a unit for the collection and analysis of data on lead-hazard detection and lead-hazard reduction activities, including the licensing, certification, accreditation, approval, and enforcement activities under this chapter;

(b) Update information and data collected or disseminated under division (A)(2)(a) of this section to include the results of an inspection or assessment conducted pursuant to section 3742.14 of the Revised Code, when a report based on that inspection is provided to the director pursuant to rules adopted by the public health council under section 3742.03 of the Revised Code.

(3) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are

being met;

(4) Examine records and reports submitted by physicians, clinical laboratories, and environmental lead analytical laboratories under section 3701.25 or 3742.09 of the Revised Code;

(5) Issue approval to manufacturers of lead abatement systems or products that have done all of the following:

(a) Submitted an application for approval to the director on a form prescribed by the director;

(b) Paid the application fee established by the director;

(c) Submitted results from an independent laboratory indicating that the manufacturer's system or product ~~or system~~ satisfies ~~ASTM standards pursuant to rules~~ the requirements established in rules adopted under division (K) of section 3742.03 of the Revised Code;

(d) Complied with rules adopted by the public health council regarding durability and safety to workers and residents.

(6) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, ~~accreditation,~~ licensing, ~~and~~ accreditation, certification, and approval programs to promote consistency between the requirements of this chapter and those of other states in order to facilitate reciprocity of ~~licensing, certification, and accreditation~~ the programs among states.

(B) In addition to any other authority granted by this chapter, the director of health may do any of the following:

(1) Employ persons who have received training from a program the director has determined provides the necessary background. The appropriate training may be obtained in a state that has an ongoing lead abatement program under which it conducts educational programs.

(2) ~~Conduct lead abatement training programs and licensure examinations, and collect fees to cover the cost of conducting them;~~

~~(3)~~ Conduct or cooperate with other state agencies to conduct programs of public education on the nature and consequences of lead hazards and on the need for lead-hazard reduction activities to be conducted under careful supervision by licensed and accredited personnel;

~~(4)~~(3) Cooperate with the United States environmental protection agency in any joint oversight procedures the agency may propose for laboratories that offer lead analysis services and are accredited under the ~~EPA~~ agency's laboratory accreditation program;

~~(5)~~(4) Advise, consult, cooperate with, or enter into contracts or cooperative agreements with any person, government entity, interstate agency, or the federal government as ~~he~~ the director considers necessary to

fulfill the requirements of this chapter and the rules adopted under it.

Sec. 3742.05. (A)(1) The director of health shall issue lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, and lead abatement worker licenses. The director shall issue a license to an applicant who meets all of the following requirements:

(a) Submits an application to the director on a form prescribed by the director;

(b) Meets the licensing and training requirements established by the public health council under section 3742.03 of the Revised Code;

(c) Successfully completes the licensing examination for ~~his~~ the applicant's area of expertise ~~approved by the director~~ administered under section 3742.08 of the Revised Code and any training required by the director under that section;

(d) Pays the license fee established by the public health council under section 3742.03 of the Revised Code;

(e) Provides any information the director may require to demonstrate the applicant's compliance with this chapter and the rules adopted under it.

(2) An individual may hold more than one license issued under this division, but a separate application is required for each license.

(B) A license issued under this section expires two years after the date of issuance. The director shall renew a license in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code, if the licensee does all of the following:

(1) Continues to meet the requirements of division (A) of this section;

(2) Demonstrates compliance with procedures to prevent public exposure to lead hazards and for worker protection during lead abatement projects established by rule adopted by the public health council under section 3742.03 of the Revised Code;

(3) Meets the record-keeping and reporting requirements for lead abatement projects established by rule adopted by the public health council under section 3742.03 of the Revised Code;

(4) Pays the license renewal fee established by rule adopted by the public health council under section 3742.03 of the Revised Code.

(C) An individual licensed, certified, or otherwise approved under the law of another state to perform functions substantially similar to those of a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, or lead abatement worker may apply to the director of health for licensure in accordance with the procedures set forth in division (A) of this section. The director shall license an individual under this division on a determination that the standards for licensure, certification, or

approval in that state are at least substantially equivalent to those established by this chapter and the rules adopted under it. The director may require an examination for licensure under this division.

Sec. 3742.08. (A)(1) The director of health shall conduct, specify requirements by rule, or approve training programs ~~and examinations~~ for licensure of lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers. In accordance with Chapter 119. of the Revised Code, the director shall adopt rules establishing all of the following:

~~(1)~~(a) A system for accreditation of training programs and the requirements for accreditation, including curriculum requirements, hour requirements, hands-on training requirements, trainee competency and proficiency requirements, and requirements for quality control;

~~(2) Procedures and criteria for approval of licensing examinations and the qualifications of examination administrators;~~

~~(3)~~(b) Fees for application for approval of a training program and for participating in any program conducted by the director;

~~(4) Fees for licensing examinations;~~

~~(5)~~(c) Any other requirements pertinent to the operation of a training program ~~or an examination~~.

~~(B)~~(2) Each applicant for approval of a training program ~~or examination~~ shall submit a completed application to the director on a form the director shall prescribe and provide. The director shall issue ~~the appropriate~~ evidence of approval to each applicant who meets the requirements of division (A)(1) of this section and the criteria for approval established by rule adopted under this section ~~3742.03 of the Revised Code~~ and pays the fee.

(B) The director shall administer examinations for licensure under this chapter by conducting examinations, contracting pursuant to section 3701.044 of the Revised Code for another entity to conduct the examinations, or approving examinations. In accordance with Chapter 119. of the Revised Code, the director shall adopt rules specifying requirements for the administration of licensing examinations. The rules shall include requirements regarding the qualifications of examination administrators, fees to cover the cost of conducting the examinations, and any other requirements pertinent to the examinations.

proval established in rules adopted under this division.

Sec. 3742.19. ~~All~~ Except for any licensing examination fee collected and retained by an entity under contract pursuant to division (B) of section 3742.08 of the Revised Code, all fees collected ~~by the director of health~~ under this chapter and any grant, contribution, or other moneys received ~~by him~~ for the purposes of this chapter shall be deposited into the state treasury to the credit of the lead program fund, which is hereby created. The moneys in the fund shall be used solely for the administration and enforcement of this chapter and the rules adopted under it.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Prior to January 1, 1994, each person issued a permit to operate, variance, or permit to install under section 3704.03 of the Revised Code shall pay the fees specified in the following schedule:

(1) Fuel-Burning Equipment

Input capacity (million British thermal units per hour)	Permit to operate	Variance	Permit to install
0 or more, but less than 10	$ 75	$225	$ 100
10 or more, but less than 100	210	450	390
100 or more, but less than 300	270	675	585
300 or more, but less than 500	330	900	780
500 or more	500	975	1000

Any fuel-burning equipment using only natural gas, propane, liquefied petroleum gas, or number two or lighter fuel oil shall be assessed a fee one-half of that shown.

(2) Incinerators

Input capacity (pounds per hour)	Permit to operate	Variance	Permit to install
0 to 50	$ 50	$225	$ 65

51 to 500	210	450	390
501 to 2000	270	675	585
2001 to 30,000	330	900	780
more than 30,000	500	975	1000

(3) Process

Process weight rate (pounds per hour)			Permit to operate	Variance	Permit to install
0 to 1000	$100	$225	$ 200		
1001 to 5000	210	450	390		
5001 to 10,000	270	675	585		
10,001 to 50,000	330	900	780		
more than 50,000	500	975	1000		

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.

(4) Storage tanks

Gallons (capacity)	Permit to operate	Variance	Permit to install
less than 40,000	$150	$225	$ 195
40,000 or more, but less than 100,000	210	450	390
100,000 or more, but less than 400,000	270	675	585
400,000 or more, but less than 1,000,000	330	900	780
1,000,000 or more	500	975	1000

(5) Gasoline

Gasoline dispensing facilities	Permit to operate	Variance	Permit to install
For each gasoline dispensing facility	$20	$100	$50

(6) Dry cleaning

Dry cleaning facilities	Permit to operate	Variance	Permit to install
For each dry cleaning facility	$50	$200	$100

(7) Coal mining operations regulated under Chapter 1513. of the Revised Code shall be assessed a fee of two hundred fifty dollars per mine or location.

(C)(1) Except as otherwise provided in division (C)(2) of this section,

beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(b) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(c) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under division (C)(1) of this section do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program.

(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000.

(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D) ~~Beginning~~ (1) Except as provided in division (D)(2) of this section, beginning January 1, 1994, each person who owns or operates an air

ontaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	$ 75
50 or more, but less than 100	300
100 or more	700

(2)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, 2001, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(3) The fees assessed under ~~this~~ division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000, and shall continue through June 30, 2001. The ~~fee~~ fees assessed under ~~this~~ division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of ~~this~~ division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under ~~this~~ division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year;

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after January 1, 1994, shall pay the fees specified in the following schedules:

~~(1)~~

(1) Fuel-burning equipment (boilers)

Input capacity (maximum) (million British thermal units per hour)	Permit to

	Permit to install
Greater than 0, but less than 10	$ 200
10 or more, but less than 100	400
100 or more, but less than 300	800
300 or more, but less than 500	1500
500 or more, but less than 1000	2500
1000 or more, but less than 5000	4000
5000 or more	6000

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

~~(2)~~

(2) Incinerators

Input capacity (pounds per hour)	Permit to install
0 to 100	$ 100
101 to 500	400
501 to 2000	750
2001 to 20,000	1000
more than 20,000	2500

~~(3)~~

(3)(a) Process

Process weight rate (pounds per hour)	Permit to install
0 to 1000	$ 200
1001 to 5000	400
5001 to 10,000	600
10,001 to 50,000	800
more than 50,000	1000

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.

(b) Notwithstanding division (F)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(3)(c) of this section for a process used in any of the following industries, as

identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised:

1211 Bituminous coal and lignite mining;

1213 Bituminous coal and lignite mining services;

1411 Dimension stone;

1422 Crushed and broken limestone;

1427 Crushed and broken stone, not elsewhere classified;

1442 Construction sand and gravel;

1446 Industrial sand;

3281 Cut stone and stone products;

3295 Minerals and earth, ground or otherwise treated.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(3)(b) of this section:

Process weight rate (pounds per hour)	Permit to install
0 to 10,000	$200
10,001 to 50,000	300
50,001 to 100,000	400
100,001 to 200,000	500
200,001 to 400,000	600
400,001 or more	700

~~(4)~~

(4) Storage tanks

Gallons (maximum useful capacity)	Permit to install
0 to 20,000	$100
20,001 to 40,000	150
40,001 to 100,000	200
100,001 to 250,000	250
250,001 to 500,000	350
500,001 to 1,000,000	500
1,000,001 or greater	750

~~(5)~~

(5) Gasoline/fuel dispensing facilities

For each gasoline/fuel dispensing facility	Permit to install

(includes all units at the facility)	$100

~~(6)~~

(6) Dry cleaning facilities

For each dry cleaning facility	Permit to install
(includes all units at the facility)	$100

~~(7)~~

(7) Registration status

	Permit to install
For each source covered by registration status	$75

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule:

Action	Fee
Each notification	$75
Asbestos removal	$3/unit
Asbestos cleanup	$4/cubic yard

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee

established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K) Fifty cents per ton of each fee assessed under division (C) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division shall be deposited into the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. The remainder of the moneys received by the division pursuant to that division and moneys received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the clean air fund created in section 3704.035 of the Revised Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (c) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee
0 to 1000	$ 0
1,001 to 5000	100
5,001 to 50,000	200
50,001 to 100,000	300
100,001 to 300,000	525
over 300,000	750

(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger

identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.

(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2000~~ 2002, and one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2000~~ 2002, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2000~~ 2002, and five thousand dollars on and after July 1, ~~2000~~ 2002 The fee shall be paid at the time the application is submitted.

(3) A person issued a modification of a water discharge permit shall pay a fee equal to one-half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~1998~~ 2000, and January 30, ~~1999~~ 2001, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)~~(4)~~(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)~~(4)~~(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the

cessation of discharge.

(iii) The annual discharge fee established in division (L)~~(4)~~(5)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)~~(4)~~(5)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee ~~operation~~ shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)~~(4)~~(5)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)~~(4)~~(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

~~Average daily discharge flow~~	~~Fee due by January 30, 1998, and January 30, 1999~~	
~~5,000 to 49,999~~		~~$ 180~~
~~50,000 to 100,000~~		~~450~~
~~100,001 to 250,000~~		~~900~~
~~250,001 to 1,000,000~~		~~2,250~~
~~1,000,001 to 5,000,000~~		~~4,500~~
~~5,000,001 to 10,000,000~~		~~9,000~~
~~10,000,001 to 20,000,000~~		~~13,500~~
~~20,000,001 to 50,000,000~~		~~22,500~~
~~50,000,001 to 100,000,000~~		~~36,000~~
~~100,000,001 or more~~		~~54,000~~

Average daily discharge flow	Fee due by January 30, 2000	Fee due by January 30, 2001
5,000 to 49,999	$ 180	$ 200
50,000 to 100,000	450	500
100,001 to 250,000	900	1,050
250,001 to 1,000,000	2,250	2,600
1,000,001 to 5,000,000	4,500	5,200
5,000,001 to 10,000,000	9,000	10,350
10,000,001 to 20,000,000	13,500	15,550
20,000,001 to 50,000,000	22,500	25,900
50,000,001 to 100,000,000	36,000	41,400
100,000,001 or more	54,000	62,100

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(C) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

~~Average daily discharge flow~~	~~Fee due by January 30, 1998, and January 30, 1999~~
~~5,000 to 49,999~~	~~$ 180~~
~~50,000 to 250,000~~	~~900~~
~~250,001 to 1,000,000~~	~~2,250~~
~~1,000,001 to 5,000,000~~	~~4,500~~
~~5,000,001 to 10,000,000~~	~~6,750~~
~~10,000,001 to 20,000,000~~	~~9,000~~
~~20,000,001 to 100,000,000~~	~~10,800~~
~~100,000,001 to 250,000,000~~	~~12,600~~
~~250,000,001 or more~~	~~14,400~~

Average daily discharge flow	Fee due by January 30, 2000	Fee due by January 30, 2001
5,000 to 49,999	$ 180	$ 250
50,000 to 250,000	900	1,200
250,001 to 1,000,000	2,250	2,950
1,000,001 to 5,000,000	4,500	5,850
5,000,001 to 10,000,000	6,750	8,800
10,000,001 to 20,000,000	9,000	11,700
20,000,001 to 100,000,000	10,800	14,050
100,000,001 to 250,000,000	12,600	16,400
250,000,001 or more	14,400	18,700

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)~~(4)~~(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of six thousand seven hundred fifty dollars not later than January 30, ~~1998~~

2000, and a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~1999~~ 2001 Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~1998~~ 2000, and not later than January 30, ~~1999~~ 2001 Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(7) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2000~~ 2002, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Fees required under this division shall be calculated and paid in

accordance with the following schedule:

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2000~~ 2002, the fee is:

Number of service connections	Fee amount
Not more than 49	$ 56
50 to 99	88
Number of service connections	**Average cost per connection**
100 to 2,499	$ .96
2,500 to 4,999	.92
5,000 to 7,499	.88
7,500 to 9,999	.84
10,000 to 14,999	.80
15,000 to 24,999	.76
25,000 to 49,999	.72
50,000 to 99,999	.68
100,000 to 149,999	.64
150,000 to 199,999	.60
200,000 or more	.56

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means

the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2000~~ 2002, the fee is:

Population served	Fee amount
Fewer than 150	$ 56
150 to 299	88
300 to 749	192
750 to 1,499	392
1,500 to 2,999	792
3,000 to 7,499	1,760
7,500 to 14,999	3,800
15,000 to 22,499	6,240
22,500 to 29,999	8,576
30,000 or more	11,600

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2000~~ 2002,

the fee is:

Number of wells supplying system	Fee amount
1	$ 56
2	56
3	88
4	192
5	392
System supplied by surface water, springs, or dug wells	792

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2000~~ 2002, and five thousand dollars on and after July 1, ~~2000~~ 2002 The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2000~~ 2002, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological $1,650

organic chemical	3,500
inorganic chemical	3,500
standard chemistry	1,800
limited chemistry	1,000

On and after July 1, ~~2000~~ 2002, the following fee, on a per survey basis, shall be charged any such person:

microbiological	$250
chemical/radiological	250
nitrate/turbidity (only)	150

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2000~~ 2002, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an application fee of twenty-five dollars through June 30, ~~2000~~ 2002, and ten dollars on and after July 1, ~~2000~~ 2002 Upon approval from the director that the applicant is eligible to take the examination therefor, the applicant shall pay a fee in accordance with the following schedule through June 30, ~~2000~~ 2002:

Class I operator	$45
Class II operator	55
Class III operator	65
Class IV operator	75

On and after July 1, ~~2000~~ 2002, the applicant shall pay a fee in accordance with the following schedule:

Class I operator	$25
Class II operator	35
Class III operator	45
Class IV operator	55

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Through June 30, ~~2000~~ 2002, any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new

or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted~~, and any~~.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2000~~ 2002, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2000~~ 2002 Through June 30, 2002, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, 2002, such a person shall pay a nonrefundable fee of fifteen dollars at the time of application.

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be

deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable.

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit to install, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion

thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section.

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.

Sec. 3748.07. (A) Every facility that proposes to handle radioactive material or radiation-generating equipment for which licensure or registration, respectively, by its handler is required shall apply in writing to the director of health on forms prescribed and provided by the director for licensure or registration. Terms and conditions of licenses and certificates of registration may be amended in accordance with rules adopted under section 3748.04 of the Revised Code or orders issued by the director pursuant to section 3748.05 of the Revised Code.

(B) Until rules are adopted under section 3748.04 of the Revised Code, an application for a certificate of registration shall be accompanied by a biennial registration fee of one hundred ~~fifty~~ sixty dollars. On and after the effective date of those rules, an applicant for a license, registration certificate, or renewal of either shall pay the appropriate fee established in those rules.

All fees collected under this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

Any fee required under this section that has not been paid within ninety days after the invoice date shall be assessed at two times the original invoiced fee. Any fee that has not been paid within one hundred eighty days after the invoice date shall be assessed at five times the original invoiced fee.

(C) The director shall grant a license or registration to any applicant who has paid the required fee and is in compliance with this chapter and rules adopted under it.

Until rules are adopted under section 3748.04 of the Revised Code, certificates of registration shall be effective for two years from the date of issuance. On and after the effective date of those rules, licenses and certificates of registration shall be effective for the applicable period established in those rules. Licenses and certificates of registration shall be renewed in accordance with the standard renewal procedure established in

Chapter 4745. of the Revised Code.

Sec. 3748.13. (A) The director of health shall inspect sources of radiation for which licensure or registration by the handler is required, and the sources' shielding and surroundings, according to the schedule established in rules adopted under division (D) of section 3748.04 of the Revised Code. In accordance with rules adopted under that section, the director shall inspect all records and operating procedures of handlers that install sources of radiation and all sources of radiation for which licensure of radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of violation of this chapter or rules adopted under it.

The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

(B) Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, a facility shall pay inspection fees according to the following schedule and categories:

First dental x-ray tube~~, gauging x-ray tube, or analytical x-ray equipment used in nonhealth care applications~~	~~$80.00~~ 94.00
Each additional dental x-ray tube~~, cabinet x-ray tube, gauging x-ray tube, or analytical x-ray equipment used in nonhealth care applications~~ at the same location	~~$40.00~~ 47.00
First medical x-ray tube ~~other than dental, cabinet, or gauging, or analytical x-ray equipment used in nonhealth care applications~~	~~$160.00~~ 187.00
Each additional medical x-ray tube ~~other than dental, cabinet, or gauging, or analytical x-ray equipment used in nonhealth care applications~~ at the same location	~~$80.00~~ 94.00

Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	~~$320.00~~ 373.00
First nonionizing radiation-generating equipment of any kind	~~$160.00~~ 187.00
Each additional nonionizing radiation-generating equipment of any kind at the same location	~~$80.00~~ 94.00
~~Amount of radioactive material licensed or amount on hand at the time of inspection, whichever is greater:~~	
~~less than 100 microcuries~~	~~$100.00~~
~~100 microcuries or more, but less than one millicurie~~	~~$150.00~~
~~one millicurie or more, but less than 100 millicuries~~	~~$200.00~~
~~100 millicuries or more~~	~~$400.00~~
~~Test of a sealed source for leakage of radioactive material~~	~~$ 80.00~~
Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources of radiation	~~$200.00~~ 233.00

Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the fee applicable under the schedule in this division. Until those rules are adopted, the fee for the inspection of a facility that is not licensed or registered and for which no license or registration application is pending at the time of inspection is two hundred ~~fifty~~ ninety dollars plus the fee applicable under the schedule in this division.

The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary. Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for the review is four hundred

sixty-six dollars for each room where a source of radiation is used and is in addition to any other fee applicable under the schedule in this division.

All fees shall be paid to the department of health no later than thirty days after the invoice for the fee is mailed. Fees shall be deposited in the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

Any fee required under this section that has not been paid within ninety days after the invoice date shall be assessed at two times the original invoiced fee. Any fee that has not been paid within one hundred eighty days after the invoice date shall be assessed at five times the original invoiced fee.

(C) If the director determines that a board of health of a city or general health district is qualified to conduct inspections of radiation-generating equipment, the director may delegate to the board, by contract, the authority to conduct such inspections. In making a determination of the qualifications of a board of health to conduct those inspections, the director shall evaluate the credentials of the individuals who are to conduct the inspections of radiation-generating equipment and the radiation detection and measuring equipment available to them for that purpose. If a contract is entered into, the board shall have the same authority to make inspections of radiation-generating equipment as the director has under this chapter and rules adopted under it. The contract shall stipulate that only individuals approved by the director as qualified shall be permitted to inspect radiation-generating equipment under the contract's provisions. The contract shall provide for such compensation for services as is agreed to by the director and the board of health of the contracting health district. The director may reevaluate the credentials of the inspection personnel and their radiation detecting and measuring equipment as often as the director considers necessary and may terminate any contract with the board of health of any health district that, in the director's opinion, is not satisfactorily performing the terms of the contract.

(D) The director may enter at all reasonable times upon any public or private property to determine compliance with this chapter and rules adopted under it.

Sec. 3750.02. (A) There is hereby created the emergency response commission consisting of the directors of environmental protection and health, the chairpersons of the public utilities commission, industrial commission, and state and local government commission, the fire marshal, the director of public safety, the administrator of the bureau of employment

services, and the attorney general as members ex officio, or their designees; notwithstanding section 101.26 of the Revised Code, the chairpersons of the respective standing committees of the senate and house of representatives that are primarily responsible for considering environmental issues who may participate fully in all the commission's deliberations and activities, except that they shall serve as nonvoting members; and ten members to be appointed by the governor with the advice and consent of the senate. The appointed members, to the extent practicable, shall have technical expertise in the field of emergency response. Of the appointed members, two shall represent environmental advocacy organizations, one shall represent the interests of petroleum refiners or marketers or chemical manufacturers, one shall represent the interests of another industry subject to this chapter, one shall represent the interests of municipal corporations, one shall represent the interests of counties, one shall represent the interests of chiefs of fire departments, one shall represent the interests of professional ~~fire-fighters~~ firefighters, one shall represent the interests of volunteer ~~fire-fighters~~ firefighters, and one shall represent the interests of local emergency management agencies.

An appointed member of the commission also may serve as a member of the local emergency planning committee of an emergency planning district. An appointed member of the commission who is also a member of a local emergency planning committee shall not participate as a member of the commission in the appointment of members of the local emergency planning committee of which the member is a member, in the review of the chemical emergency response and preparedness plan submitted by the local emergency planning committee of which the member is a member, in any vote to approve a grant to the member's district, ~~nor~~ or in any vote of the commission on any motion or resolution pertaining specifically to the member's district or the local emergency planning committee on which the member serves. A commission member who is also a member of a local emergency planning committee shall not lobby or otherwise act as an advocate for the member's district to other members of the commission to obtain from the commission anything of value for the member's district or the local emergency planning committee of which the member is a member. A member of the commission who is also a member of a local emergency planning committee may vote on resolutions of the commission that apply uniformly to all local emergency planning committees and districts in the state and do not provide a grant or other pecuniary benefit to the member's district or the committee of which the member is a member.

The governor shall make the initial appointments to the commission

within thirty days after December 14, 1988. Of the initial appointments to the commission, five shall be for a term of two years and five shall be for a term of one year. Thereafter, terms of office of the appointed members of the commission shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The commission may at any time by a vote of two-thirds of all the members remove any appointed member of the commission for misfeasance, nonfeasance, or malfeasance. Members of the commission shall serve without compensation, but shall be reimbursed for the reasonable expenses incurred by them in the discharge of their duties as members of the commission.

The commission shall meet at least annually and shall hold such additional meetings as are necessary to implement and administer this chapter. Additional meetings may be held at the behest of either a co-chairperson or a majority of the members. The commission shall, by adoption of internal management rules under division (B)(9) of this section, establish an executive committee and delegate to it the performance of such of the commission's duties and powers under this chapter as are required or authorized to be so delegated by that division. The commission may organize itself into such additional committees as it considers necessary or convenient to implement and administer this chapter. The director of environmental protection and the director of public safety or their designees shall serve as co-chairpersons of the commission and the executive committee. Except as otherwise provided in this chapter, a majority of the voting members of the commission constitutes a quorum and the affirmative vote of a majority of the voting members of the commission is necessary for any action taken by the commission. Meetings of the executive committee conducted for the purpose of determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce this chapter or rules adopted or orders issued under it are not subject to section 121.22 of the Revised Code pursuant to division (D) of that section.

Except for the purposes of Chapters 102. and 2921. and sections 9.86 and 109.36 to 109.366 of the Revised Code, serving as an appointed member of the commission does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(B) The commission shall:

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances and each extremely hazardous substance. In addition to being consistent with and equivalent in scope, content, and coverage to that act and applicable regulations adopted under it, the rules shall be consistent with and equivalent in scope, content, and coverage to regulations identifying or listing hazardous substances and reportable quantities of those substances adopted under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended.

(d) Prescribing the information to be included in the lists of hazardous chemicals required to be submitted under section 3750.07 of the Revised Code;

(e) Prescribing the information to be included in the emergency and hazardous chemical inventory forms required to be submitted under section 3750.08 of the Revised Code. If the commission establishes its own emergency and hazardous chemical inventory form, the rules shall authorize owners and operators of facilities who also have one or more facilities located outside the state for which they are required to submit inventory forms under the federal act and regulations adopted under it to submit their annual inventories on forms prescribed by the administrator of the United States environmental protection agency under that act instead of on forms prescribed by the commission and shall require those owners or operators to submit any additional information required by the commission's inventory form on an attachment to the federal form.

(f) Establishing procedures for giving verbal notice of releases under section 3750.06 of the Revised Code and prescribing the information to be provided in such a notice and in the follow-up written notice required by that section;

(g) Establishing standards for determining valid needs for the release of tier II information under division (B)(4) of section 3750.10 of the Revised Code;

(h) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;

(i) Establishing criteria and procedures to protect trade secret and confidential business information from unauthorized disclosure;

(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter.

(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under ~~this~~ division (B)(2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall:

(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code;

(b) Establish criteria and procedures for reviewing the chemical

emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include, without limitation, the requirement that each exercise of a committee's plan involve, in addition to local emergency response and medical personnel, either a facility that is subject to the plan or a transporter of materials that are identified or listed as hazardous materials by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended.

(c) Establish policies and procedures for maintaining information submitted to the commission and local emergency planning committees under this chapter, and for receiving and fulfilling requests from the public for access to review and to obtain copies of that information. The criteria and procedures shall include the following requirements and authorizations regarding that information and access to it:

(i) Information that is protected as trade secret information or confidential business information under this chapter and rules adopted under it shall be kept in files that are separate from those containing information that is not so protected~~;~~.

(ii) The original copies of information submitted to the commission or committee shall not be removed from the custody and control of the commission or committee~~;~~.

(iii) A person who, either in person or by mail, requests to obtain a copy of a material safety data sheet submitted under this chapter by a facility owner or operator shall submit a separate application for each facility for which a material safety data sheet is being requested~~;~~.

(iv) A person who requests to receive by mail a copy of information submitted under this chapter by a facility owner or operator shall submit a separate application for each facility for which information is being requested~~,~~ and shall specify both the facility for which information is being requested and the particular types of documents requested~~;~~.

(v) Only employees of the commission or committee shall copy information in the files of the commission or committee~~;~~.

(vi) The commission or committee may require any person who requests to review or obtain a copy of information in its files to schedule an appointment for that purpose with the information coordinator of the commission or committee at least twenty-four hours before arriving at the office of the commission or committee for the review or copy.

(vii) Any person who seeks access to information in the files of the

commission or a local emergency planning committee shall submit a written application, either in person or by mail, to the information coordinator on a form provided by the commission or committee. The person also shall provide the person's name and current mailing address on the application and may be requested by the commission or committee to provide basic demographic information on the form to assist in the evaluation of the information access provisions of this chapter and rules adopted under it. Application forms may be obtained by mail or in person or by request by telephone at the office of the commission or committee during regular business hours. Upon receipt of a request for an application by telephone or mail, the information coordinator shall promptly mail an application to the person who requested it.

(viii) The application form shall provide the applicant with a means of indicating that the applicant's name and address are to be kept confidential. If the applicant so indicates, that information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested~~;~~.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical~~;~~.

(xii) When the commission or committee receives a request for access to review or obtain copies of information in its files, it shall not routinely notify the owner or operator of the facility involved, but instead shall either keep a log or file of requests for the information or shall place a copy of each completed application form in the file for the facility to which the application pertains. Such a log or file shall be available for review by the public and by the owners and operators of facilities required to submit information to the commission or committee under this chapter and rules adopted under it.

(d) Require that claims for the protection, as a trade secret, of information obtained under this chapter regarding extremely hazardous substances identified or listed in rules adopted under division (B)(1)(a) of this section and hazardous chemicals identified or listed in rules adopted under division (B)(1)(b) of this section be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section;

(e) Establish criteria and procedures for the issuance of variances under divisions (B) and (C) of section 3750.11 of the Revised Code. The rules shall require that, before approval of an application for a variance, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the extremely hazardous substances, hazardous chemicals, or hazardous substances that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the chemicals or substances, when the substances or chemicals are present at a facility in an amount equal to or exceeding the quantity for which reporting would be required under the reporting requirement for which the variance is sought. The rules shall also require that before approval of an application for a variance, the commission or committee find by a preponderance of the evidence that the development and implementation of a local emergency response plan for releases of the substances or chemicals covered by the reporting requirement will reduce the risk of catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency management personnel, in the event of a release of the substances or chemicals and find by a preponderance of the evidence that the reporting requirement is necessary for the development of

such a local emergency response plan. The rules shall require that when determining whether the substances or chemicals that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the substance or chemical, the commission or committee consider all of the following factors:

(i) The specific characteristics and degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances;

(ii) The proximity of the facilities that would be subject to the reporting requirement to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at facilities that would be subject to the reporting requirement;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facilities that would be subject to the reporting requirement in quantities for which reporting would be required thereunder.

(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they are routinely or intermittently present at the facility for which the order is sought pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility. The rules shall require that before approval of an application for issuance of such an order, the commission or committee also find by a preponderance of the evidence that the placement of an emergency response lock box unit at the facility is necessary to protect against the substantial risk of catastrophic injury to public health or safety or the environment, or to protect against an extraordinary risk of injury to responding emergency management personnel, in the event of a release of

any of the extremely hazardous substances, hazardous chemicals, or hazardous substances routinely or intermittently present at the facility. The rules shall require that when determining whether the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility, the commission or committee consider all of the following factors:

(i) The specific characteristics and the degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility;

(ii) The proximity of the facility to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at the facility;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility.

(g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter.

(3) In accordance with Chapter 119. of the Revised Code adopt rules establishing reportable quantities for releases of oil that are consistent with and equivalent in scope, content, and coverage to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, and applicable regulations adopted under it.;

(4) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for identifying or listing extremely hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and for establishing threshold planning quantities and reportable quantities for the added extremely hazardous substances; for identifying or listing hazardous chemicals in addition to those identified or listed in rules adopted under division (B)(1)(b) of this section and for establishing threshold quantities and categories of health and physical hazards for the added hazardous chemicals; and for identifying or listing hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(c) of this section and for establishing reportable quantities for the added hazardous substances. The criteria for identifying or listing additional extremely

hazardous substances and establishing threshold planning quantities and reportable quantities therefor and for identifying or listing additional hazardous chemicals and establishing threshold quantities and categories of health and physical hazards for the added hazardous chemicals shall be consistent with and equivalent to applicable criteria therefor under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. The criteria for identifying additional hazardous substances and for establishing reportable quantities of the added hazardous substances shall be consistent with and equivalent to the applicable criteria for identifying or listing hazardous substances and establishing reportable quantities therefor under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, and regulations adopted under it. ~~The~~

The rules shall require that, before identifying or listing any such additional extremely hazardous substance, hazardous chemical, or hazardous substance and establishing a threshold planning quantity, threshold quantity, or reportable quantity therefor, the commission find by a preponderance of the scientific evidence based on generally accepted scientific principles or laboratory tests that the substance or chemical poses a substantial risk of catastrophic injury to public health or safety or to the environment, or poses an extraordinary risk of injury to emergency management personnel responding to a release of the chemical or substance, when the chemical or substance is present at a facility in an amount equal to the proposed threshold planning quantity or threshold quantity or, in the instance of a proposed additional extremely hazardous substance or hazardous substance, poses a substantial risk of catastrophic injury to public health or safety or to the environment if a release of the proposed reportable quantity of the substance occurs. The rules shall further require that, before so identifying or listing a substance or chemical, the commission find by a preponderance of the evidence that the development and implementation of state or local emergency response plans for releases of the substance or chemical will reduce the risk of a catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency response personnel, in the event of a release of the substance or chemical and find by a preponderance of the evidence that the identification or listing of the substance or chemical is necessary for the development of state or local emergency response plans for releases of the substance or chemical. The rules shall require that the commission consider the toxicity of the substance or chemical in terms of both the short-term and long-term

ealth effects resulting from exposure to it and its reactivity, volatility, dispersibility, combustibility, and flammability when determining the risks posed by a release of the substance or chemical and, as appropriate, when establishing a threshold planning quantity, threshold quantity, reportable quantity, or category of health or physical hazard for it.

(5) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for receiving and deciding claims for protection of information as a trade secret that are applicable only to extremely hazardous substances and hazardous chemicals identified or listed in rules adopted under division (C)(5) of this section. The rules shall be equivalent in scope, content, and coverage to section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it.

(6)(a) After consultation with the fire marshal, adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the construction, placement, and use of emergency response lock box units at facilities that are subject to this chapter. The rules shall establish all of the following:

(i) Specific standards of construction for lock box units;

(ii) The specific types of information that shall be placed in the lock box units required to be placed at a facility by an order issued under division (D) of section 3750.11 of the Revised Code, which shall include the location of on-site emergency fire-fighting and spill cleanup equipment; a diagram of the public and private water supply and sewage systems serving the facility that are known to the owner or operator of the facility; a copy of the emergency and hazardous chemical inventory form for the facility most recently required to be submitted under section 3750.08 of the Revised Code from which the owner or operator may withhold information claimed or determined to be trade secret information pursuant to rules adopted under division (B)(2)(d) of this section, or pursuant to division (B)(14) of this section and rules adopted under division (B)(5) of this section, and confidential business information identified in rules adopted under division (B)(1)(h) of this section; a copy of the local fire department's and facility's emergency management plans for the facility, if any; a current list of the names, positions, addresses, and telephone numbers of all key facility personnel knowledgeable in facility safety procedures and the locations at the facility where extremely hazardous substances, hazardous chemicals, and hazardous substances are produced, used, or stored. The rules shall stipulate that, in the instance of lock box units placed voluntarily at facilities by the owners or operators of the facilities, such information shall be

maintained in them as is prescribed by agreement by the owner or operator and the fire department having jurisdiction over the facility.

(iii) The conditions that shall be met in order to provide safe and expedient access to a lock box unit during a release or threatened release of an extremely hazardous substance, hazardous chemical, or hazardous substance.

(b) Unless the owner or operator of a facility is issued an order under division (D) of section 3750.11 of the Revised Code requiring the owner or operator to place a lock box unit at the facility, the owner or operator may place a lock box unit at the facility at the owner's or operator's discretion. If the owner or operator chooses to place a lock box unit at the facility, the responsibility to deposit information in the lock box unit is in addition to any other obligations established in this chapter.

(c) Any costs associated with the purchase, construction, or placement of a lock box unit shall be paid by the owner or operator of the facility.

(7) In accordance with Chapter 119. of the Revised Code, adopt rules governing the application for and awarding of grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing reasonable maximum fees that may be charged by the commission and local emergency planning committees for copying information in the commission's or committee's files to fulfill requests from the public for that information;

(9) Adopt internal management rules governing the operations of the commission. The internal management rules shall establish an executive committee of the commission consisting of the director of environmental protection or the director's designee, the director of public safety or the director's designee, the attorney general or the attorney general's designee, one of the appointed members of the commission representing industries subject to this chapter to be appointed by the commission, one of the appointed members of the commission representing the interests of environmental advocacy organizations to be appointed by the commission, and one other appointed member or member ex officio of the commission to be appointed by the commission. The executive committee has exclusive authority to issue enforcement orders under section 3750.18 of the Revised Code and to request the attorney general to bring a civil action, civil penalty action, or criminal action under section 3750.20 of the Revised Code in the name of the commission regarding violations of this chapter, rules adopted under it, or orders issued under it. The internal management rules may set forth the other specific powers and duties of the commission that the

executive committee may exercise and carry out and the conditions under which the executive committee may do so. The internal management rules shall not authorize the executive committee to issue variances under division (B) or (C) of section 3750.11 of the Revised Code or orders under division (D) of that section.

(10) Oversee and coordinate the implementation and enforcement of this chapter and make such recommendations to the director of environmental protection and the director of public safety as it considers necessary or appropriate to improve the implementation and enforcement of this chapter;

(11) Make allocations of moneys under division (B) of section 3750.14 of the Revised Code and make grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(12) Designate an officer of the environmental protection agency to serve as the commission's information coordinator under this chapter;

(13) Not later than December 14, 1989, develop and distribute a state emergency response plan that defines the emergency response roles and responsibilities of the state agencies that are represented on the commission and that provides appropriate coordination with the national contingency plan and the regional contingency plan required by section 105 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure a well-coordinated response by state agencies that may be involved in assisting local emergency responders during a major release of oil or a major sudden and accidental release of a hazardous substance or extremely hazardous substance. The plan may incorporate existing state emergency response plans by reference. At least annually, the commission and the state agencies that are represented on it shall jointly exercise the state plan in conjunction with the exercise of a local emergency response plan by a local emergency planning committee under section 3750.04 of the Revised Code. After any such exercise, the commission shall review the state plan and make such revisions in it as the commission considers necessary or appropriate.

(14) Receive and decide claims for the protection of information as a trade secret that pertain only to extremely hazardous substances and hazardous chemicals identified or listed by rules adopted under division (C)(5) of this section. If the commission determines that the claim meets the criteria established in rules adopted under division (B)(5) of this section, it shall issue an order to that effect in accordance with section 3750.18 of the Revised Code. If the commission determines that the claim does not meet the criteria established in those rules, it shall issue an order to that effect in

ccordance with section 3750.18 of the Revised Code.

(15) Annually compile, make available to the public, and submit to the president of the senate and the speaker of the house of representatives a summary report on the number of facilities estimated to be subject to regulation under sections 3750.05, 3750.07, and 3750.08 of the Revised Code, the number of facilities reporting to the commission, an estimate of the percentage of facilities in compliance with those sections, and recommendations regarding the types of activities the commission considers necessary to improve such compliance. The commission shall base its estimate of the number of facilities that are subject to regulation under those sections on the current estimates provided by the local emergency planning committees under division (D)(6) of section 3750.03 of the Revised Code.

(C) The commission may:

(1) Procure by contract the temporary or intermittent services of experts or consultants when those services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(2) Enter into contracts or agreements with political subdivisions or emergency planning districts for the purposes of this chapter;

(3) Accept on behalf of the state any gift, grant, or contribution from any governmental or private source~~,~~ for the purposes of this chapter;

(4) Enter into contracts, agreements, or memoranda of understanding with any state department, agency, board, commission, or institution to obtain the services of personnel thereof or utilize resources thereof for the purposes of this chapter. Employees of a state department, agency, board, commission, or institution providing services to the commission under any such contract, agreement, or memorandum shall perform only those functions and provide only the services provided for in the contract, agreement, or memorandum.

(5) Identify or list extremely hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and establish threshold planning quantities and reportable quantities for the additional extremely hazardous substances, identify or list hazardous chemicals in addition to those identified or listed in rules adopted under division (B)(1)(b) of this section and establish threshold quantities and categories or health and physical hazards for the added chemicals, and identify or list hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(c) of this section and establish reportable quantities for the added hazardous substances. The commission may establish threshold planning quantities for the additional extremely

hazardous substances based upon classes of those substances or categories of facilities at which they are present and may establish threshold quantities for the additional hazardous chemicals based upon classes of those chemicals or categories of facilities where they are present. The commission shall identify or list such additional substances or chemicals and establish threshold planning quantities, threshold quantities, reportable quantities, and hazard categories therefor in accordance with the criteria and procedures established in rules adopted under division (B)(4) of this section and, after compliance with those criteria and procedures, by the adoption of rules in accordance with Chapter 119. of the Revised Code. The commission shall not adopt rules under division (C)(5) of this section modifying any threshold planning quantity established in rules adopted under division (B)(1)(a) of this section, any threshold quantity established in rules adopted under division (B)(1)(b) of this section, ~~nor~~ or any reportable quantity established in rules adopted under division (B)(1)(c) of this section.

If, after the commission has adopted rules under ~~this~~ division (C)(5) of this section identifying or listing an extremely hazardous substance, hazardous chemical, or hazardous substance, the administrator of the United States environmental protection agency identifies or lists the substance or chemical as an extremely hazardous substance or hazardous chemical under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance as a hazardous substance under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the commission shall rescind its rules adopted under division (C)(5) of this section pertaining to the substance or chemical and adopt the appropriate rules under division (B)(1)(a), (b), or (c) of this section.

(6) From time to time, request the director of environmental protection and the ~~deputy~~ executive director of the emergency management agency to review implementation, administration, and enforcement of the chemical emergency response planning and reporting programs created by this chapter and rules adopted under it regarding their effectiveness in preparing for response to releases of extremely hazardous substances, hazardous chemicals, and hazardous substances. After completion of any such review, the director of environmental protection and the director of public safety shall report their findings to the commission. Upon receipt of their findings, the commission may make such recommendations for legislative and administrative action as the commission finds necessary or appropriate to promote achievement of the purposes of this chapter.

(D) Except as provided in section 3750.06 of the Revised Code, nothing

in this chapter applies to the transportation, including the storage incident to transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

(E) This chapter authorizes the state, through the emergency response commission, the department of public safety, and the environmental protection agency, to establish and maintain chemical emergency response planning and preparedness, community right-to-know, and hazardous substance and extremely hazardous substance release reporting programs that are consistent with and equivalent in scope, coverage, and content to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it, except as otherwise specifically required or authorized in this chapter. The commission, department, and agencies may do all things necessary, incidental, or appropriate to implement, administer, and enforce this chapter and to perform the duties and exercise the powers of the state emergency response commission under that act and regulations adopted under it and under this chapter.

Sec. 3753.03. (A) Effective upon the date that the United States environmental protection agency delegates the program created under section 112(r) of the Clean Air Act Amendments to the environmental protection agency of this state, an owner or operator of a stationary source that has a covered process shall develop and submit a risk management plan no later than the latest of the following:

(1) ~~June 21, 1999~~ Not later than ten days after the notice of delegation of the program to the state appears in the federal register, or ten days after the effective date of this amendment, whichever occurs later;

(2) The date on which a regulated substance is first present above a threshold quantity in a process at the stationary source;

(3) Three years after the date on which a regulated substance at the stationary source is first listed under 40 C.F.R. 68.130.

(B) An owner or operator who is subject to division (A) of this section shall submit a single risk management plan that reflects all covered processes at the stationary source by the applicable deadline established under that division and that is in the form required by the director of environmental protection in rules adopted under section 3753.02 of the Revised Code. The risk management plan shall include all of the following, as applicable:

(1) A registration that reflects all covered processes at the stationary source pursuant to 40 C.F.R. 68.160;

(2) The applicable information required to be submitted with the plan

under section 3753.04 of the Revised Code;

(3) A summary of the actions taken to comply with all of the other applicable requirements established under section 3753.04 of the Revised Code.

(C) An owner or operator who has submitted a risk management plan as required by division (A) of this section or submitted an update to a risk management plan under division (C) of this section shall revise, update, and submit the risk management plan in accordance with whichever of the following is applicable:

(1) Not later than five years after the initial submission of the risk management plan under division (A) of this section;

(2) Not later than five years after the most recent update of the risk management plan submitted under division (C) of this section;

(3) As otherwise provided in rules adopted by the director under section 3753.02 of the Revised Code.

(D) No owner or operator who is required to submit, revise, or update a risk management plan shall fail to do so within the prescribed time.

(E) An owner or operator who is required to submit a risk management plan and who knowingly makes a false statement in the plan, on a record upon which information in the plan is based, or on or pertaining to any other information or records required to be maintained under this chapter or rules adopted under it is guilty of falsification under section 2921.13 of the Revised Code.

Sec. 3753.05. (A) Except as provided in division (G) of this section, an owner or operator who is required to submit a risk management plan under this chapter shall pay annually to the environmental protection agency a fee of fifty dollars together with any of the following applicable fees:

(1) A fee of sixty-five dollars if a covered process in the stationary source includes propane and propane is the only regulated substance at the stationary source over the threshold quantity;

(2) A fee of sixty-five dollars if a covered process in the stationary source includes anhydrous ammonia that is sold for use as an agricultural nutrient and is on-site over the threshold quantity;

(3) A fee of two hundred dollars for each regulated substance over the threshold quantity. Propane shall be considered a regulated substance subject to the fee levied under division (A)(3) of this section only if it is not the only regulated substance over the threshold quantity. Anhydrous ammonia shall be considered a regulated substance subject to the fee levied under division (A)(3) of this section only if it is not sold for use as an agricultural nutrient.

(B) In accordance with rules adopted under section 3753.02 of the Revised Code, the fees assessed under division (A) of this section shall be collected for the year 1999 no later than ~~June 21, 1999~~ ten days after the notice of delegation of the risk management program to the state appears in the federal register, or ten days after the effective date of this amendment, whichever occurs later. Thereafter, the fees shall be collected no later than the first day of September of each year. The fees assessed under division (A) of this section for a stationary source shall be based upon the regulated substances present over the threshold quantity identified in the risk management plan on file for calendar year 1999 as of the twenty-first day of June and for each subsequent calendar year as of the first day of September.

(C) An owner or operator who is required to submit a risk management plan under this chapter and who fails to submit such a plan within thirty days after the applicable filing date prescribed in section 3753.03 of the Revised Code shall submit with the risk management plan a late filing fee of three per cent of the total fees due under division (A) of this section.

(D) The director of environmental protection may establish fees to be paid by persons, other than public officers or employees, to cover the costs of obtaining copies of documents or information submitted to the director under this chapter and rules adopted under it. The director shall not charge more than the actual cost of making and delivering such copies or of accessing any computerized data base established or used for the purposes of assisting in the administration of this chapter.

(E) All moneys received by the agency under divisions (A), (C), and (D) of this section shall be transmitted to the treasurer of state to be credited to the risk management plan reporting fund, which is hereby created in the state treasury. The fund shall be administered by the director and used exclusively for the administration and enforcement of this chapter and rules adopted under it.

(F) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys in the risk management plan reporting fund to determine if that amount exceeds seven hundred fifty thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded seven hundred fifty thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (A) of this section so that the estimated amount of moneys resulting from the fees will not exceed seven hundred fifty thousand dollars in any fiscal year.

If, upon review of the fees under this division and after the fees have

been reduced, the director determines that the total amount of moneys collected and accumulated is less than seven hundred fifty thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (A) of this section so that the estimated amount of moneys resulting from the fees will be approximately seven hundred fifty thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (A) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under this division without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(G) This section does not apply to the owner or operator of a business that employs one hundred or fewer individuals and is a small business concern as defined in the "Small Business Act," 72 Stat. 384 (1958), 15 U.S.C.A. 632, as amended.

Sec. 3769.20. (A) To encourage the renovation of existing racing facilities for the benefit of the public, breeders, and horse owners~~,~~ and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from such improvement, the taxes paid by a permit holder to the state, in excess of the amount paid to the PASSPORT fund, shall be reduced by one per cent of the total amount wagered for those permit holders who carry out a ~~"~~major capital improvement project~~," as defined in this section~~. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the tax levied under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this section. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction provided for in this section. Otherwise, the permit holder shall receive the full reduction provided for in this section. The amount of the allowable reduction not received shall be carried forward and added to any other reduction balance and applied against future tax liability. After any reductions expire, any reduction carried forward shall be treated as a reduction as provided for in this section. If the amount of allowable abatement exceeds the amount of taxes derived from a permit holder, the amount of the allowable abatement not used may be carried forward and

applied against future tax liability. If more than one permit holder is authorized to conduct racing at the facility ~~which~~ that is being improved, the cost of the major capital improvement project shall be allocated between or among all the permit holders in the ratio that each permit holder's number of racing days bears to the total number of racing days conducted at the facility. Such reduction shall start from the day racing is first conducted following the date on which the major capital improvement project is completed and the construction cost has been certified by the state racing commission, except as otherwise provided in division ~~(B)~~(E) of this section, and shall continue until the total tax reduction equals the cost of the major capital improvement project plus debt service applicable to the project. In no event, however, shall any tax reduction, excluding any reduction balances, be permitted under this section after December 31, ~~2004~~ 2014 The total tax reduction because of the major capital improvement project shall not during any one year exceed for all permit holders using any one track, one per cent of the total amount wagered. The commission shall notify the tax commissioner when the diminution of tax begins and when it ends.

(B) Each fiscal year, the commission shall submit a report to the tax commissioner, the office of budget and management, and the legislative budget office of the legislative service commission. The report shall identify each capital improvement project undertaken under this section and in progress at each race track, indicate the total cost of each such project, state the tax reduction that resulted from each such project during the immediately preceding fiscal year, estimate the tax reduction that will result from each such project during the current fiscal year, state the total tax reduction that resulted from all such projects at all race tracks during the immediately preceding fiscal year, and estimate the total tax reduction that will result from all such projects at all race tracks during the current fiscal year.

(C) The tax reduction granted pursuant to this section shall be in addition to any tax reductions for capital improvements and new tracks provided for in section 3769.08 of the Revised Code and approved by the ~~racing~~ commission prior to March 29, 1988.

(D) In order to qualify for the reduction in tax, a permit holder shall apply to the commission in such form as the commission may require and shall provide full details of the major capital improvement project, including plans and specifications, a schedule for the project's construction and completion, and a breakdown of proposed costs. In addition, the permit holder shall have commenced construction of the major capital improvement project or shall have had the application for the project approved by the

~~racing~~ commission prior to March 29, 1988. The commission shall not approve an application unless the permit holder shows that a contract for the major capital improvement project has been let under an unrestricted competitive bidding procedure, unless the contract is exempted by the controlling board because of its unusual nature. In determining whether to approve an application, the commission shall consider whether the major capital improvement project will promote the safety, convenience, and comfort of the racing public and horse owners and generally tend toward the improvement of racing in this state.

~~(B)~~(E) If the major capital improvement project is approved by the commission and construction has started, the tax adjustment may be authorized by the commission upon presentation of copies of paid bills in excess of five hundred thousand dollars. After the initial authorization, the permit holder shall present copies of paid bills in the amount of not less than five hundred thousand dollars. If the permit holder is in substantial compliance with the schedule for construction and completion of the major capital improvement project, the commission may authorize the continuance of the tax adjustment upon the presentation of such additional paid bills in increments of five hundred thousand dollars. The commission may terminate the tax adjustment if a permit holder fails to complete the major capital improvement project~~,~~ or fails to comply substantially with the schedule for construction and completion of the major capital improvement project. If the time for completion of the major capital improvement project is delayed by acts of God, strikes, or the unavailability of labor or materials, the time for completion as set forth in the schedule shall be extended by the period of ~~such~~ the delay. If a permit holder fails to complete the major capital improvement project, the commission shall order the permit holder to repay to the state the total amount of tax reduced, unless the permit holder has spent at least six million dollars on the project. The normal tax paid by the permit holder under section 3769.08 of the Revised Code shall be increased by one per cent of the total amount wagered until the total amount of the additional tax collected equals the total amount of tax reduced. Any action taken by the commission pursuant to this section in terminating the tax adjustment or requiring repayment of the amount of tax reduced shall be subject to Chapter 119. of the Revised Code.

(F) As used in this section, "major capital improvement project" means the renovation, reconstruction, or remodeling, costing at least six million dollars, of a race track facility, including, but not limited to, the construction of barns used exclusively for ~~such~~ that race track facility, backstretch facilities for horsemen, paddock facilities, pari-mutuel and totalizator

equipment and appurtenances to that equipment purchased by the track, new access roads, new parking areas, the complete reconstruction, reshaping, and leveling of the race track and appurtenances, grandstand enclosure, installation of permanent new heating or air conditioning, roof replacement, and installations of a permanent nature forming a part of the track structure.

(G) The cost and expenses to which the tax reduction granted under this section applies shall be determined by generally accepted accounting principles and be verified by an audit of the permit holder's records, upon completion of the major capital improvement project, either by the commission or by an independent certified public accountant selected by the permit holder and approved by the commission.

(H) This section and section 3769.201 of the Revised Code govern any tax reduction granted to a permit holder for the cost to the permit holder of any cleanup, repair, or improvement required as a result of damage caused by the 1997 Ohio river flood to the place, track, or enclosure for which the permit is issued.

Sec. 3769.201. The holder of a permit issued under section 3769.06 of the Revised Code may apply to the state racing commission for the tax reduction available under section 3769.20 of the Revised Code for the cost to the permit holder of any cleanup, repair, or improvement required as a result of damage caused by the 1997 Ohio river flood to the place, track, or enclosure for which the permit is issued. As part of the application, the permit holder shall submit evidence of payment of the cost of the cleanup, repair, or improvement. The commission shall approve the tax reduction in the amount of the cost to the permit holder, net of any insurance proceeds, of any cleanup, repair, or improvement the commission determines was required as a result of damage caused by the flood. The permit holder need not have followed unrestricted competitive bidding procedures as required under section 3769.20 of the Revised Code to qualify for the reduction under this section.

The permit holder shall claim the tax reduction under this section in the same manner as if it were a tax reduction for a major capital improvement project under section 3769.20 of the Revised Code. The percentage of the reduction that may be taken each racing day shall equal the percentage allowed for a reduction under section 3769.20 of the Revised Code. A reduction under this section shall be in addition to, and shall be taken after completion of, a reduction approved under section 3769.20 or division (J) of section 3769.08 of the Revised Code. A permit holder shall not take a reduction under this section for a repair or improvement for which a reduction is taken under section 3769.20 or division (J) of section 3769.08

of the Revised Code.

Sec. 3793.08. The department of alcohol and drug addiction services shall submit an annual report to the governor, which shall include all of the following:

(A) A statement of the number of people served by alcohol and drug addiction programs that receive funds distributed by the department, with a breakdown into categories including age, sex, race, the type of drug to which the person is addicted, and any other categories the director of alcohol and drug addiction services considers significant;

(B) A report measuring the success of alcohol and drug addiction programs, based on the use of measures for accountability developed by the department, including the percentage of people served by such programs who have not relapsed;

(C) Any other information that the director considers significant or is requested by the governor.

Sec. 3793.10. A drivers' intervention program may be used as an alternative to a term of imprisonment for an offender sentenced pursuant to division (A)(1) of section 4511.99 of the Revised Code, if it is certified by the director of alcohol and drug addiction services pursuant to this section. No drivers' intervention program shall be used as an alternative to a term of imprisonment that is imposed pursuant to division (A)(2), (3), or (4) of section 4511.99 of the Revised Code.

To qualify for certification by the director and to receive funds from the ~~drivers'~~ statewide treatment and ~~intervention~~ prevention fund created by ~~division (L) of~~ section ~~4511.191~~ 4301.30 of the Revised Code in any amounts and at any times that the director determines are appropriate, a drivers' intervention program shall meet state minimum standards that the director shall establish by rule. The rules shall include, but are not limited to, standards governing program course hours and content, qualifications of program personnel, methods of identifying and testing participants to isolate participants with alcohol and drug abuse problems, referral of such persons to alcohol and drug addiction programs, the prompt notification of courts by program operators of the completion of the programs by persons required by courts to attend them, and record keeping, including methods of tracking participants for a reasonable time after they have left the program.

The director shall issue a certificate to any qualified drivers' intervention program. The certificate ~~shall be~~ is valid for three years.

Sec. 3793.12. (A) The department of alcohol and drug addiction services shall collect and compile statistics and other information on the care, treatment, and rehabilitation of alcoholics, drug dependent persons,

and persons in danger of drug dependence in this state, including, without limitation, information on the number of such persons, the type of drug involved, the type of care, treatment, or rehabilitation prescribed or undertaken, and the success or failure of the care, treatment, or rehabilitation.

(B) No alcohol or drug addiction program shall fail to supply statistics and other information within its knowledge and with respect to its programs, upon request of the department.

(C) Communications by a person seeking aid in good faith for alcoholism or drug dependence ARE confidential, and this section does not require the collection or permit the disclosure of information which reveals or comprises the identity of any person seeking aid.

(D) Based on the information collected and compiled under division (A) of this section, the department shall develop a project to assess the outcomes of persons served by alcohol and drug addiction programs that receive funds distributed by the department.

Sec. 3901.02. The superintendent of insurance may appoint such employees as the prompt dispatch of business requires, including skilled and competent persons to examine and report on the business and affairs of insurance companies.

The superintendent may hire an administrator of financial regulation services as an employee in the unclassified civil service. The superintendent shall fix the compensation of the administrator of financial regulation services.

The superintendent may hire actuaries as employees in the unclassified civil service. The superintendent shall fix the compensation of these actuaries, who shall be fellows of either the casualty actuarial society or the society of actuaries.

All persons now employed in the division of insurance in the classified civil service are transferred to the department of insurance in their respective classifications subject to reassignment as the superintendent of insurance may determine to be in the interest of efficient administration.

Sec. 4105.17. (A) The fee for any inspection, or attempted inspection that, due to no fault of a general inspector or the division of industrial compliance, is not successfully completed, by a general inspector of an elevator required to be inspected under this chapter is thirty dollars plus five dollars for each floor where the elevator stops. The superintendent of the division of industrial compliance may assess a fee of thirty dollars plus five dollars for each floor where an elevator stops for the reinspection of an elevator when a previous attempt to inspect that elevator has been

unsuccessful through no fault of a general inspector or the division of industrial compliance. The fee for issuing or renewing a certificate of operation under section 4105.15 of the Revised Code is thirty-five dollars.

(B) All other fees to be charged for any examination given or other service performed by the division of industrial compliance pursuant to this chapter shall be prescribed by the board of building standards established by section 3781.07 of the Revised Code. The fees shall be reasonably related to the costs of such examination or other service.

(C) The board of building standards, subject to the approval of the controlling board, may establish fees in excess of the fees provided in division (A) of this section, provided that the fees do not exceed the amounts established in division (A) of this section by more than fifty per cent. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(D) Any person who fails to pay an inspection fee required for any inspection conducted by the division pursuant to this chapter within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(E) In addition to the fee assessed in division (A) of this section, the board of building standards shall assess a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under division (A) of this section and for each permit issued under section 4105.16 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of the division of industrial compliance shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

Sec. 4112.12. (A) There is hereby created the commission on African-American males, which shall consist of not more than forty-one members as follows: the directors or their designees of the departments of health, development, alcohol and drug addiction services, human services, rehabilitation and correction, mental health, and youth services; the administrator or ~~his~~ the administrator's designee of the bureau of employment services; the adjutant general or ~~his~~ the adjutant general's designee; the equal employment opportunity officer of the department of administrative services or ~~his~~ the equal employment opportunity officer's designee; the executive director or ~~his~~ the executive director's designee of the Ohio civil rights commission; the director or ~~his~~ the director's designee of the office of criminal justice services; the superintendent of public

ction; the chancellor or ~~his~~ the chancellor's designee of the Ohio board of regents; two members of the house of representatives appointed by the speaker of the house of representatives; three members of the senate appointed by the president of the senate; and not more than twenty-two members appointed by the governor. The members appointed by the governor shall include at least one representative of each of the following: the national association for the advancement of colored people; the urban league; an organization representing black elected officials; an organization representing black attorneys; the black religious community; the black business community; the nonminority business community; and organized labor; ~~and~~ at least one black medical doctor, one black elected member of a school board, and one black educator~~,~~; and at least two representatives of local private industry councils. The remaining members that may be appointed by the governor shall be selected from elected officials, civic and community leaders, and representatives of the employment, criminal justice, education, and health communities.

(B) ~~Initial members of the commission shall be those members serving on the governor's commission on socially disadvantaged black males on June 30, 1991, in accordance with executive orders 89-9 and 90-34. In the event that a member of the general assembly serving on the commission on that date pursuant to executive orders 89-9 and 90-34 is no longer a member of the general assembly, the speaker of the house of representatives or the president of the senate, as appropriate, shall appoint a new member in accordance with division (A) of this section. Of the initial members who are governor's appointees, the governor shall designate seven who shall serve terms ending June 30, 1993, seven who shall serve terms ending June 30, 1994, and eight who shall serve terms ending June 30, 1995. Thereafter, terms~~ Terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he~~ the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which ~~his~~ the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The ~~chairman of the governor's commission on socially disadvantaged black males serving on June 30, 1991, shall serve as chairman of the~~

~~commission on African-American males until June 30, 1993. Thereafter, the~~ commission annually shall elect a ~~chairman~~ chairperson from among its members.

(C) Members of the commission and members of subcommittees appointed under division (B) of section 4112.13 of the Revised Code shall not be compensated, but shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

(D)(1) The Ohio civil rights commission shall ~~oversee and coordinate the activities of the commission~~ serve as the commission on African-American males' fiscal agent and shall perform all of the following services:

(a) Prepare and process payroll and other personnel documents that the commission on African-American males approves;

(b) Maintain ledgers of accounts and reports of account balances, and monitor budgets and allotment plans in consultation with the commission on African-American males;

(c) Perform other routine support services that the executive director of the Ohio civil rights commission or the executive director's designee and the Commission on african-american males or its designee consider appropriate to achieve efficiency.

(2) The Ohio civil rights commission shall not approve any payroll or other personnel-related documents OR any biennial budget, grant, expenditure, audit, or fiscal-related document without the advice and consent of the commission on African-American males.

(3) The Ohio civil rights commission shall determine fees to be charged to the commission on african-american males for services performed under this division, which shall be in proportion to the services performed for the commission on African-American males.

(4) The commission on African-American males or its designee has:

(a) Sole authority to draw funds for any federal program in which the commission is authorized to participate;

(b) sole authority to expend funds from accounts for programs and any other necessary expenses the commission on African-American males may incur;

(c) the duty to cooperate with the Ohio civil rights commission to ensure that the Ohio civil rights commission is fully apprised of all financial transactions.

(E) The commission on African-American males shall appoint an executive director, who shall be in the unclassified civil service. The executive director shall supervise the commission's activities and report to

the commission on the progress of those activities. the executive director shall do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this division.

(F) The commission on African-American males shall:

(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;

(2) Maintain its office in Columbus;

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.

(4) Prepare and submit to the office of budget and management a budget for each biennium in accordance with sections 101.55 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and its staff in the discharge of any duty imposed upon the commission by law. The commission shall pay its own payroll and other operating expenses from appropriation items designated by the general assembly. The commission shall not delegate any authority to obligate funds.

(5) Establish the overall policy and management of the commission in accordance with this chapter;

(6) Follow all state procurement requirements;

(7) Pay fees owed to the Ohio civil rights commission under division (D) of this section from the commission on African-American males' general revenue fund or from any other fund from which the operating expenses of the commission ON African-American males are paid. any amounts set aside for a fiscal year for the payment of such fees shall be used only for the services performed for the commission on African-American males by the Ohio civil rights commission in that fiscal year.

(G) The commission on African-American males may:

(1) Hold sessions at any place within the state;

(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions.

Sec. 4112.15. There is hereby created in the state treasury the civil

ts commission general reimbursement fund, which shall be used to pay operating costs of the commission. All money paid to the commission for copies of commission documents and for other goods and services furnished by the commission shall be credited to the fund.

Sec. 4115.101. There is hereby created the prevailing wage custodial fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The administrator of the bureau of employment services shall deposit to the fund all money paid by employers to the administrator that are held in trust for employees to whom prevailing wages are due and owing. The administrator shall make disbursements from the fund in accordance with this chapter to employees affected by violations of this chapter.

Sec. 4115.34. (A) ~~If~~ Except as otherwise provided in division (D) of this section, if any state agency, political subdivision, or instrumentality of the state intends to procure any product or service, it shall determine whether the product or service is on the procurement list published pursuant to section 4115.33 of the Revised Code~~;~~ and ~~it~~ shall procure, in accordance with rules of the state committee for the purchase of products and services provided by persons with severe disabilities, ~~procure such~~ the product or service at the fair market price established by the committee from a qualified nonprofit agency for persons with severe disabilities, if the product or service is on the procurement list and is available within the period required by that agency, subdivision, or instrumentality, notwithstanding any law requiring the purchase of products and services on a competitive bid basis. Sections 4115.31 to 4115.35 of the Revised Code do not apply if the products or services are available for procurement from any state agency, political subdivision, or instrumentality of the state and procurement from ~~such~~ that agency, subdivision, or instrumentality is required under any law in effect on August 13, 1976.

(B) The committee and any state agency, political subdivision, or instrumentality of the state may enter into contractual agreements, cooperative working relationships, or other arrangements determined necessary for effective coordination and efficient realization of the objectives of sections 4115.31 to 4115.35 of the Revised Code and any other law requiring procurement of products or services from any state agency, political subdivision, or instrumentality of the state.

(C) Notwithstanding any other section of the Revised Code, or any appropriations act, that may require a state agency, political subdivision, or instrumentality of the state to purchase supplies, services, or materials by means of a competitive bid procedure, state agencies, political subdivisions,

or instrumentalities of the state need not utilize the required bidding procedures if the supplies, services, or materials are to be purchased from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code.

(D) This section does not apply to or affect purchases of supplies or services by the department of rehabilitation and correction for the northwest Ohio close security prison as provided in division (B) of section 5145.19 of the Revised Code.

Sec. 4117.24. The training and publications fund is hereby created in the state treasury. The state employment relations board shall deposit into the training and publications fund all payments received by the board for copies of documents, rulebooks, and other publications; fees received from seminar participants; and receipts from the sale of clearinghouse data. The state employment relations board shall use all moneys deposited into the training and publications fund to defray the costs of furnishing and making available copies of documents, rulebooks, and other publications; the costs of planning, organizing, and conducting training seminars; and the costs of compiling clearinghouse data.

Sec. 4163.07. (A)(1) Prior to transporting any large quantity of special nuclear material or by-product material into or through the state, the carrier or shipper of the material shall notify the ~~deputy~~ executive director of the emergency management agency established under section 5502.22 of the Revised Code of the shipment. The notice shall be in writing and be sent by certified mail and shall include the name of the shipper; the name of the carrier; the type and quantity of the special nuclear material or by-product material; the transportation mode of the shipment; the proposed date and time of shipment of the material into or through the state; and the starting point, termination or exit point, scheduled route, and each alternate route, if any, of the shipment. In order to constitute effective notification under division (A)(1) of this section, notification shall be received by the ~~deputy~~ executive director at least forty-eight hours prior to entry of the shipment into the state.

(2) The carrier or shipper of any shipment subject to division (A)(1) of this section shall immediately notify the ~~deputy~~ executive director of any change in the date and time of the shipment or in the route of the shipment into or through the state.

(B) Upon receipt of a notice of any shipment of a large quantity of special nuclear material or by-product material into or through the state, the ~~deputy~~ executive director of the emergency management agency shall immediately notify the director of public safety, the director of

environmental protection, the ~~chairman~~ chairperson of the public utilities commission, and the sheriff of each county along the proposed route, or any alternate route, of the shipment.

(C) The ~~deputy~~ executive director of the emergency management agency shall not disclose to any person other than those persons enumerated in division (B) of this section any information pertaining to any shipment of special nuclear material or by-product material prior to the time that the shipment is completed.

(D) This section does not apply to radioactive materials, other than by-products, shipped by or for the United States department of defense and United States department of energy. Nothing in this section ~~shall require~~ requires the disclosure of any defense information or restricted data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(E) No person shall transport or cause to be transported into or through the state any large quantity of special or by-product material without first providing the notice required in division (A) of this section.

Sec. 4301.10. (A) The division of liquor control shall do all of the following:

(1) Control the traffic in beer and intoxicating liquor in this state, including the manufacture, importation, and sale of beer and intoxicating liquor;

(2) Grant or refuse permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor and the sale of alcohol, as authorized or required by this chapter and Chapter 4303. of the Revised Code; and a certificate signed by the superintendent of liquor control to which is affixed the official seal of the division stating that it appears from the records of the division that no permit has been issued to the person specified in the certificate, or that a permit, if issued, has been revoked, canceled, or suspended shall be received as prima-facie evidence of the facts recited in the certificate in any court, or before any officer of this state;

(3) Put into operation, manage, and control a system of state liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor; however, the division shall not establish any drive-in state liquor stores; and by means of those types of stores, and any manufacturing plants, distributing and bottling plants, warehouses, and other facilities that it considers expedient, establish and maintain a state monopoly of the distribution of spirituous liquor and its sale in packages or containers; and for that purpose manufacture, buy, import,

possess, and sell spirituous liquors as provided in this chapter and Chapter 4303. of the Revised Code, and in the rules promulgated by the superintendent of liquor control pursuant to those chapters; lease, or in any manner acquire the use of any land or building required for any of those purposes; purchase any equipment that is required; and borrow money to carry on its business, and issue, sign, endorse, and accept notes, checks, and bills of exchange; but all obligations of the division created under authority of this division shall be a charge only upon the moneys received by the division from the sale of spirituous liquor and its other business transactions in connection with the sale of spirituous liquor, and shall not be general obligations of the state;

(4) Enforce the administrative provisions of this chapter and Chapter 4303. of the Revised Code, and the rules and orders of the liquor control commission and the superintendent relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors; and the attorney general, any prosecuting attorney, and any prosecuting officer of a municipal corporation or a municipal court shall, at the request of the division of liquor control or the department of public safety, prosecute any person charged with the violation of any provision in those chapters or of any section of the Revised Code relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquor;

(5) Determine the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection therewith, subject to this chapter and Chapter 4303. of the Revised Code;

(6) Conduct inspections of liquor permit premises to determine compliance with the administrative provisions of this chapter and Chapter 4303. of the Revised Code and the rules adopted under those provisions by the liquor control commission.

Except as otherwise provided in division (A)(6) of this section, those inspections may be conducted only during those hours in which the permit holder is open for business and only by authorized agents or employees of the division or by any peace officer, as defined in section 2935.01 of the Revised Code. Inspections may be conducted at other hours only to determine compliance with laws or commission rules that regulate the hours of sale of beer and intoxicating liquor and only if the investigator has reasonable cause to believe that those laws or rules are being violated. Any inspection conducted pursuant to division (A)(6) of this section is subject to all of the following requirements:

(a) The only property that may be confiscated is contraband, as defined in section 2901.01 of the Revised Code, or property that is otherwise

necessary for evidentiary purposes.

(b) A complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At that time, the inventory shall be signed by the confiscating agent or officer and the agent or officer shall give the permit holder or the permit holder's agent or employee the opportunity to sign the inventory.

(c) Inspections conducted pursuant to division (A)(6) of this section shall be conducted in a reasonable manner. A finding by any court of competent jurisdiction that the inspection was not conducted in a reasonable manner in accordance with this section or any rules promulgated by the commission may be considered grounds for suppression of evidence. A finding by the liquor control commission that the inspection was not conducted in a reasonable manner in accordance with this section or any rules promulgated by the commission may be considered grounds for dismissal of the commission case.

If any court of competent jurisdiction finds that property confiscated as the result of an administrative inspection is not necessary for evidentiary purposes and is not contraband, as defined in section 2901.01 of the Revised Code, the court shall order the immediate return of the confiscated property, provided that property is not otherwise subject to forfeiture, to the permit holder. However, the return of this property is not grounds for dismissal of the case. The commission likewise may order the return of confiscated property if no criminal prosecution is pending or anticipated.

(7) Delegate to any of its agents or employees any power of investigation that the division possesses with respect to the enforcement of any of the administrative laws relating to beer and intoxicating liquor, provided that this division does not authorize the division to designate any agent or employee to serve as an enforcement agent. The employment and designation of enforcement agents shall be within the exclusive authority of the director of public safety pursuant to sections 5502.13 to 5502.19 of the Revised Code.

(8) Except as otherwise provided in division (A)(8) of this section, collect the following fees:

(a) An annual twenty-five-dollar registration fee for each representative, registered pursuant to section 4303.25 of the Revised Code, of a beer or intoxicating liquor manufacturer doing business in this state;

(b) A fifty-dollar product registration fee for each new beer or intoxicating liquor product sold in this state. The product registration fee shall be accompanied by a copy of the federal label and product approval for

the new product.

(c) An annual three-hundred-dollar out-of-state supplier consent-to-import fee from each manufacturer or supplier not subject to division (A)(8)(e) of this section, in addition to an initial application fee of one hundred dollars;

(d) An annual twenty-five-dollar registration fee for coil cleaners of beer dispensing equipment doing business in this state.

(e) An annual one-hundred-dollar out-of-state consent-to-import fee, in addition to an initial application fee of one hundred dollars, from any manufacturer or out-of-state supplier that produced or shipped into this state in the immediately preceding calendar year a total of five hundred or fewer cases of seven-hundred-fifty milliliter equivalent of intoxicating liquor and twelve-ounce equivalent of beer.

Each consent-to-import, representative's registration, and coil cleaner registration issued under division (A)(8) of this section authorizes the person named to carry on the activity specified, is valid for one year, or for the unexpired portion of the year, ending on the uniform expiration date for each, which shall be designated by the division, and is subject to suspension, revocation, cancellation, or fine as authorized by this chapter and Chapter 4303. of the Revised Code.

(9) Establish a system of electronic data interchange within the division and regulate the electronic transfer of information and funds among persons and governmental entities engaged in the manufacture, distribution, and retail sale of alcoholic beverages;

(10) Exercise all other powers expressly or by necessary implication conferred upon the division by this chapter and Chapter 4303. of the Revised Code, and all powers necessary for the exercise or discharge of any power, duty, or function expressly conferred or imposed upon the division by those chapters.

(B) The division may do all of the following:

(1) Sue, but may be sued only in connection with the execution of leases of real estate and the purchases and contracts necessary for the operation of the state liquor stores that are made under this chapter and Chapter 4303. of the Revised Code;

(2) Enter into leases and contracts of all descriptions and acquire and transfer title to personal property with regard to the sale, distribution, and storage of spirituous liquor within the state;

(3) Terminate at will any lease entered into pursuant to division (B)(2) of this section upon first giving ninety days' notice in writing to the lessor of its intention to do so;

(4) Fix the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor shall be sold by the division. Those retail prices shall be the same at all state liquor stores, except to the extent that a price differential is required to collect a county sales tax levied pursuant to section 5739.021 of the Revised Code and for which tax the tax commissioner has authorized prepayment pursuant to section 5739.05 of the Revised Code. In fixing selling prices, the division shall compute an anticipated gross profit at least sufficient to provide in each calendar year all costs and expenses of the division and also an adequate working capital reserve for the division. The gross profit shall not exceed forty per cent of the retail selling price based on costs of the division, and in addition the sum required by section 4301.12 of the Revised Code to be paid into the state treasury. An amount equal to one and one-half per cent of that gross profit shall be paid into the ~~alcoholism detoxification centers~~ statewide treatment and prevention fund created ~~under~~ by section 4301.30 of the Revised Code and be appropriated by the general assembly from the fund to the department of alcohol and drug addiction services as provided in section 4301.30 of the Revised Code.

On spirituous liquor manufactured in Ohio from the juice of grapes or fruits grown in Ohio, the division shall compute an anticipated gross profit of not to exceed ten per cent. The wholesale prices shall be at a discount of not less than twelve and one-half per cent of the retail selling prices as determined by the division in accordance with this section.

(C) The division may approve the expansion or diminution of a premises to which a liquor permit has been issued and may adopt standards governing such an expansion or diminution.

Sec. 4301.30. All fees collected by the division of liquor control shall be deposited in the state treasury to the credit of the undivided liquor permit fund, which is hereby created, at the time prescribed under section 4301.12 of the Revised Code. Each payment shall be accompanied by a statement showing separately the amount collected for each class of permits in each municipal corporation and in each township outside the limits of any municipal corporation in such township. An amount equal to fifty dollars for each fee received for a D-2 permit, which is not placed in operation immediately upon a D-3 permit premises, and twenty-five dollars for each fee received for a C-2 permit, shall be paid from the undivided liquor permit fund into the general revenue fund.

Prior to the fees received for a D-2 permit, which is not in operation immediately upon a D-3 permit premises, and a C-2 permit being paid into the general revenue fund, an amount equal to twenty-one per cent of the

divided liquor permit fund shall be paid into the ~~alcoholism detoxification centers~~ statewide treatment and prevention fund, which is hereby created in the state treasury. ~~Such~~ This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the department of liquor control derived under division (B)(4) of section 4301.10 of the Revised Code, to the department of alcohol and drug addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 3793. of the Revised Code, the department of alcohol and drug addiction services shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted thereunder.

The moneys remaining in the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(A) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits therein, for the use of the general fund of the municipal corporation;

(B) To each township, the aggregate amount shown by the statements to have been collected from permits in its territory, outside the limits of any municipal corporation located therein, for the use of the general fund of the township, or for fire protection purposes, including buildings and equipment in the township or in an established fire district within the township, to the extent that the funds are derived from liquor permits within the territory comprising such fire district.

For the purpose of the distribution required by this section, E, H, and D permits covering boats or vessels are deemed to have been issued in the municipal corporation or township wherein the owner or operator of the vehicle, boat, vessel, or dining car equipment to which the permit relates has the owner's or operator's principal office or place of business within the state.

Such distributions are subject to diminutions for refunds as prescribed in section 4301.41 of the Revised Code. If the liquor control commission is of the opinion that the police or other officers of any municipal corporation or township entitled to share in such distribution are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or the municipal court thereof fails to comply with the request of the commission authorized by division (A)(4) of section 4301.10 of the Revised Code, the commission

~~may,~~ by certified mail~~,~~ may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of such failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division of liquor control in the enforcement of such chapters and such penal laws. Within thirty days after the notice is served, the commission shall determine whether or not the requirement has been complied with. If the commission determines that the requirement has not been complied with, it may issue an order to the superintendent to withhold the distributive share of the municipal corporation or township until further order of the commission. This action of the commission is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

Sec. 4301.334. (A) The privilege of local option conferred by section 4301.324 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition and other information required by division (B) of this section are presented to the board of elections of the county in which the community facility named in the petition is located. The petition shall be signed by electors of the ~~election precinct or precincts~~ municipal corporation or unincorporated area of the township in which the community facility is located equal in number to at least ~~thirty-five~~ ten per cent of the total number of votes cast in the ~~precinct or precincts~~ municipal corporation or unincorporated area of the township in which the community facility is located for the office of governor at the most recent general election for that office and shall contain both of the following:

(1) A notice that the petition is for the submission of the question set forth in section 4301.356 of the Revised Code;

(2) The name and address of the community facility for which the local option election is sought and, if the community facility is a community entertainment district, the boundaries of the district.

(B) Upon the request of a petitioner, a board of elections of a county shall furnish to the petitioner a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, a certificate indicating the number of valid signatures that will be required on a petition to hold an election in the municipal corporation or unincorporated area of the township in which the community facility is located on the question specified in section 4301.356 of the Revised Code.

The petitioner shall, not less than thirty days before the petition-filing deadline for an election on the question specified in section 4301.356 of the

Revised Code, specify to the division of liquor control the name and address of the community facility for which the election is sought and, if the community facility is a community entertainment district, the boundaries of the district, the municipal corporation or unincorporated area of a township in which the election is sought, and the filing deadline. The division shall, within a reasonable period of time and not later than ten days before the filing deadline, supply the petitioner with the name and address of any permit holder for or within the community facility.

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the petitioner files the petition with the board of elections. Within five days after receiving the petition, the board shall give notice by certified mail to any permit holder within the community facility that it has received the petition. Failure of the petitioner to supply the name and address of any permit holder for or within the community facility as furnished to the petitioner by the division invalidates the petition.

(C) Not later than the sixty-sixth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures on the petition. If the board finds that the petition is valid, it shall order the holding of an election in the municipal corporation or unincorporated area of a township on the day of the next general or primary election, whichever occurs first, for the submission of the question set forth in section 4301.356 of the Revised Code.

(D) A petition filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(E) An elector who is eligible to vote on the question set forth in section 4301.356 of the Revised Code or any permit holder for or within the community facility may, not later than four p.m. of the sixty-fourth day before the day of the election at which the question will be submitted to the electors, file a written protest against the local option petition with the board of elections with which the petition was filed. Upon the filing of the protest, the board shall promptly fix a time and place for hearing the protest~~,~~ and shall mail notice of the time and place to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the board shall hear the protest and determine the validity of the petition.

Sec. 4301.43. (A) As used in sections 4301.43 to ~~4301.49~~ 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period from June 30, 1995, until July 1, ~~1999~~ 2001, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax

due.

Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) In a state liquor store;

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C) A person may have in the person's possession an opened container of beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought of a holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-7, E, F, or F-2 permit, or beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code.

A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for such possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of ~~such a~~ the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine~~;~~.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located~~;~~.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

Sec. 4303.07. Permit B-2 may be issued to a wholesale distributor of wine to purchase from holders of A-2 and B-5 permits and distribute or sell such product, in the original container in which it was placed by the B-5 permit holder or manufacturer at the place where manufactured, to A-1-A, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, and E permit holders, and for home use. The fee for this permit is two hundred fifty dollars for each distributing plant or warehouse. The initial fee shall be increased ten cents per wine barrel of fifty gallons for all wine distributed and sold in this state in excess of twelve hundred fifty such barrels during the year covered by the permit.

Sec. 4303.10. Permit B-5 may be issued to a wholesale distributor of wine to purchase wine from the holders of A-2 permits, to purchase and import wine in bond or otherwise, in bulk or in containers of any size, and to bottle wine for distribution and sale to holders of A-1-A, B-2, B-3, B-5, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, and E permits and for home use in sealed containers. No wine shall be bottled by a B-5 permit holder in containers supplied by any person who intends the wine for home use. The fee for this permit is one thousand two hundred fifty dollars.

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel required to be licensed under section 3731.03 of the Revised Code containing at least fifty rooms for registered transient guests, and which qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section 4301.21 of the Revised Code; and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. The premises of the hotel or motel shall include a restaurant licensed pursuant to section 3732.03 of the Revised Code affiliated with the hotel or motel and within or contiguous to

the hotel or motel, serving food within the hotel or motel, but the principal business of the owner or operator of the hotel or motel shall be the accommodation of transient guests. In addition to the privileges authorized ~~herein~~ in this division, the holder of a D-5a permit may exercise the same privileges as the holder of a D-5 permit.

The owner or operator of a hotel, motel, or restaurant who qualified for and held a D-5a permit on August 4, 1976, may, if the owner or operator held another permit before holding a D-5a permit, either retain a D-5a permit or apply for the permit formerly held, and the division of liquor control shall issue the permit for which the owner or operator applies and formerly held, notwithstanding any quota.

A D-5a permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits which may be issued.

The fee for this permit is one thousand eight hundred seventy-five dollars.

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold; and to sell the same products in the same manner and amount not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this ~~section~~ division, the holder of a D-5b permit may exercise the same privileges as a holder of a D-5 permit.

A D-5b permit shall not be transferred to another location.

One D-5b permit may be issued at an enclosed shopping center containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area.

Two D-5b permits may be issued at an enclosed shopping center containing at least four hundred thousand square feet of floor area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction thereof, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b

permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code.

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a certification thereof, the division shall issue to that person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as that person requests. The division shall issue the D-5 permit, or the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, D-3, or D-5 permits currently issued in the municipal corporation or in the unincorporated area of the township where that person's proposed premises is located equals or exceeds the maximum number of such permits that can be issued in that municipal corporation or in the unincorporated area of that township under the population quota restrictions contained in section 4303.29 of the Revised Code. Any such D-1, D-2, D-3, or D-5 permit so issued shall not be transferred to another location. If a D-5b permit is canceled under the provisions of this paragraph, the number of D-5b permits that may be issued at the enclosed shopping center for which the D-5b permit was issued, under the formula provided in this division, shall be reduced by one if the enclosed shopping center was entitled to more than one D-5b permit under the formula.

The fee for this permit is one thousand eight hundred seventy-five dollars.

(C) Permit D-5c may be issued either to the owner or operator of a restaurant licensed pursuant to section 3732.03 of the Revised Code, and which qualifies under the other requirements of this section to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized ~~herein~~ in this division, the holder of a D-5c permit may exercise the same privileges as the holder of a D-5 permit.

To qualify for a D-5c permit, the owner or operator of a restaurant licensed pursuant to section 3732.03 of the Revised Code shall have operated the restaurant at the proposed premises for not less than twenty-four consecutive months immediately preceding the filing of an application ~~therefor~~ for the permit, have applied for a D-5 permit no later

than December 31, 1988, and appear on the division's quota waiting list for not less than six months immediately preceding the filing of an application ~~therefor~~ for the permit. In addition to these requirements, the proposed D-5c permit premises shall be located within a municipal corporation and further within an election precinct which, at the time of the applications, has no more than twenty-five per cent of its total land area zoned for residential use.

A D-5c permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits which may be issued.

Any person who has held a D-5c permit for at least two years may apply for a D-5 permit, and the division of liquor control shall issue the D-5 permit notwithstanding the quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission.

The fee for this permit is one thousand two hundred fifty dollars.

(D) Permit D-5d may be issued to either the owner or operator of a restaurant that is licensed pursuant to section 3732.03 of the Revised Code and located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. Not more than one D-5d permit shall be issued in each county. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. Except as otherwise provided in this division, no quota restrictions shall be placed on the number of such permits which may be issued.

The fee for this permit is one thousand eight hundred seventy-five dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under ~~"The~~ the Internal Revenue Code of 1986,~~"~~ 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat which meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio historical society;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits which may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is nine hundred seventy-five dollars.

(F) Permit D-5f may be issued to either the owner or the operator of a food service operation licensed under section 3732.03 of the Revised Code that meets all of the following:

(1) Contains not less than twenty-five hundred square feet of floor area;

(2) Is located on or in, or immediately adjacent to, the shoreline of, a navigable river;

(3) Provides docking space for twenty-five boats;

(4) Provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location. No more than fifteen D-5f permits shall be issued by the division of liquor control, and no more than two such permits shall be issued in any county. However, the division shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

A fee for this permit is one thousand eight hundred seventy-five dollars.

As used in this division, "navigable river" means a river which is also a "navigable water" as ~~that term is~~ defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796.

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional sports museum. The holder of a D-5g permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5g permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5g permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5g permits that may be issued. The fee for this permit is one thousand five hundred dollars.

(H) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that owns or operates a fine arts museum and has no less than five thousand bona fide members possessing full membership privileges. The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued. The fee for this permit is one thousand five hundred dollars.

(I) Permit D-5i may be issued to either the owner or the operator of a food service operation licensed under section 3732.03 of the Revised Code that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of fifty thousand or less~~;~~.

(2) It has inside seating capacity for at least one hundred forty persons~~;~~.

(3) It has at least five thousand square feet of floor area~~;~~.

(4) It offers full-course meals, appetizers, and sandwiches~~;~~.

(5) Its receipts from beer and liquor sales do not exceed twenty-five per cent of its total gross receipts~~;~~.

(6) The value of its real and personal property exceeds nine hundred twenty-five thousand dollars.

The holder of a D-5i permit shall cause an independent audit to be performed at the end of one full year of operation following issuance of the permit~~,~~ in order to verify the requirements of division (I)(5) of this section.

The results of the independent audit shall be transmitted to the division. Upon determining that the receipts of the holder from beer and liquor sales exceeded twenty-five per cent of its total gross receipts, the division shall suspend the permit of the permit holder under section 4301.25 of the Revised Code and may allow the permit holder to elect a forfeiture under section 4301.252 of the Revised Code.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division ~~(I) of this section~~, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.

A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for this permit is one thousand eight hundred seventy-five dollars.

(J)(1) Permit D-5j may be issued to either the owner or the operator of a food service operation licensed under section 3732.03 of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. the holder of a D-5j permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(2) The D-5j permit shall be issued only within a community entertainment district that is designated under section 4301.80 of the Revised Code and that is located in a municipal corporation with a population of at least one hundred thousand.

(3) The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within

the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.

(5) The fee for a D-5j permit is one thousand eight hundred seventy-five dollars.

Sec. 4303.182. Except as otherwise provided in this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-7 permit to allow sale under such permit between the hours of one p.m. and midnight on Sunday, if such sale has been authorized under section 4301.361 of the Revised Code and under the restrictions of such authorization. Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, to allow sale under such permit between the hours of one p.m. and midnight on Sunday, whether or not such sale has been authorized under section 4301.361 of the Revised Code. Permit D-6 shall be issued to the holder of a D-5a permit, and to the holder of a D-3 or D-3a permit who is the owner or operator of a hotel or motel required to be licensed under section 3731.03 of the Revised Code containing at least fifty rooms for registered transient guests and which has on its premises a restaurant licensed pursuant to section 3732.03 of the Revised Code affiliated with the hotel or motel and within or contiguous to the hotel or motel and serving food within the hotel or motel, to allow sale under such permit between the hours of one p.m. and midnight on Sunday, whether or not such sale has been authorized under section 4301.361 of the Revised Code.

If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines such affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

The fee for the D-6 permit is two hundred fifty dollars when it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-7 permit. The

fee for the D-6 permit is two hundred dollars when it is issued to the holder of a C-2 permit.

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-6 permit shall be exercised at not more than two fixed counters, commonly known as bars, in rooms or places on the permit premises, where malt beverages, mixed beverages, wine, or spirituous liquor is sold to the public for consumption on the premises. For each additional fixed counter on the permit premises where those beverages are sold for consumption on the premises, the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-6 permit.

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-6 permit shall be granted, upon application to the division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-6 permit for each additional fixed counter on the permit premises at which beer, malt beverages, mixed beverages, wine, or spirituous liquor is sold for consumption on the premises, provided ~~such~~ the application is made in the same manner as an application for an original permit. ~~Such~~ The application shall be identified with DUPLICATE printed on the permit application form furnished by the department, in boldface type. ~~Such~~ The application shall identify by name, or otherwise amply describe, the room or place on the premises where ~~such~~ the duplicate permit is to be operative. Each duplicate permit shall be issued only to the same individual, firm, or corporation as that of the original permit and shall be an exact duplicate in size and word content as the original permit, except that it shall show ~~thereon~~ on it the name or other ample identification of the room, or place, for which it is issued and shall have DUPLICATE printed ~~thereon~~ on it in boldface type. ~~Such a~~ A duplicate permit shall bear the same number as ~~that of~~ the original permit. The fee for ~~such~~ a duplicate permit is: D-1, one hundred dollars; D-2, one hundred dollars; D-3, four hundred dollars; D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one thousand dollars; D-5c, four hundred dollars; D-5e, six hundred fifty dollars; D-5f, one thousand dollars; D-6, one hundred dollars when issued to the holder of a D-4a permit~~,~~; and in all other cases one hundred dollars or an amount which is twenty per cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, and D-6 permits issued to the same premises, whichever is higher. Application for a duplicate permit may be filed any time during the life of an original permit. The fee for each duplicate D-2,

D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-6 permit shall accompany the application for each such duplicate permit.

Sec. 4303.35. No holders of A-1-A, C-1, C-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or F permits shall purchase any beer or malt beverage subject to the tax imposed by sections 4301.42 and 4305.01 of the Revised Code or any wine or mixed beverage subject to the tax imposed by section 4301.43 of the Revised Code for resale, except from holders of A or B permits.

No holders of A-1-A, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, ~~or~~ D-5i, or D-5j permits shall purchase spirituous liquor for resale except from the division of liquor control, unless with the special consent of the division under ~~such~~ particular regulations and markup provisions ~~as~~ prescribed by the superintendent of liquor control.

Sec. 4399.12. No provision contained in Title XLIII of the Revised Code that prohibits the sale of intoxicating liquors in any of the circumstances described in section 4399.11 of the Revised Code extends to or prevents the holder of an A, B, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, G, or I permit issued by the division of liquor control from distributing or selling intoxicating liquor at the place of business described in the permit of the holder.

Sec. 4501.27. (A) Except as provided in division (B) of this section, on and after September 13, 1997, the registrar of motor vehicles, and any employee or contractor of the bureau of motor vehicles, shall not knowingly disclose or otherwise make available to any person or entity any personal information about an individual that the bureau obtained in connection with a motor vehicle record.

(B)(1) On and after September 13, 1997, the registrar, or an employee or contractor of the bureau of motor vehicles, shall disclose personal information about an individual that the bureau obtained in connection with a motor vehicle record, for use in connection with any of the following matters to carry out the purposes of any specified federal automobile-related act:

(a) Motor vehicle or driver safety and theft;

(b) Motor vehicle emissions;

(c) Motor vehicle product alterations, recalls, or advisories;

(d) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers;

(e) Removal of non-owner records from the original owner records of motor vehicle manufacturers.

(2) In addition to the disclosure required under division (B)(1) of this section, on and after September 13, 1997, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose personal information about an individual that the bureau obtained in connection with a motor vehicle record, as follows:

(a) For the use of a government agency, including, but not limited to, a court or law enforcement agency, in carrying out its functions, or for the use of a private person or entity acting on behalf of an agency of this state, another state, the United States, or a political subdivision of this state or another state in carrying out its functions;

(b) For use in connection with matters regarding motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including, but not limited to, survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers;

(c) For use in the normal course of business by a legitimate business or an agent, employee, or contractor of a legitimate business, but only for one of the following purposes:

(i) To verify the accuracy of personal information submitted to the business, agent, employee, or contractor by an individual;

(ii) If personal information submitted to the business, agent, employee, or contractor by an individual is incorrect or no longer is correct, to obtain the correct information, but only for the purpose of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with a civil, criminal, administrative, or arbitral proceeding in a court or agency of this state, another state, the United States, or a political subdivision of this state or another state or before a self-regulatory body, including, but not limited to, use in connection with the service of process, investigation in anticipation of litigation, or the execution or enforcement of a judgment or order;

(e) Pursuant to an order of a court of this state, another state, the United States, or a political subdivision of this state or another state;

(f) For use in research activities or in producing statistical reports, provided the personal information is not published, redisclosed, or used to contact an individual;

(g) For use by an insurer, insurance support organization, or self-insured entity, or by an agent, employee, or contractor of that type of entity, in connection with any claims investigation activity, anti-fraud activity, rating,

or underwriting;

(h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;

(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B)(2) of this section;

(j) For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver's license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended;

(k) For use in connection with the operation of a private toll transportation facility;

(l) For any use not otherwise identified in division (B)(2) of this section that is in response to a request for individual motor vehicle records, if the bureau of motor vehicles has provided both of the following in a clear and conspicuous manner on forms for the issuance or renewal of driver's or commercial driver's licenses, motor vehicle certificates of title, motor vehicle registrations and identification license plates, and identification cards:

(i) Notice that personal information collected by the bureau on or in relation to the forms may be disclosed to any person;

(ii) An opportunity for an individual who completes and submits any of the forms to prohibit disclosures.

(m) For bulk distribution for surveys, marketing, or solicitations, if the bureau of motor vehicles has implemented methods and procedures to ensure ~~both~~ all of the following:

(i) That individuals are provided, in a clear and conspicuous manner, an opportunity to prohibit uses of this nature and, when a transaction is performed in person, the individual is given verbal notice that personal information collected by the bureau on or in relation to the forms for the issuance or renewal of a driver's or commercial driver's license, a motor vehicle certificate of title, a motor vehicle registration and license plates, and an identification card may be disclosed for uses of this nature;

(ii) The information will be used, rented, or sold solely for bulk distribution for surveys, marketing, or solicitations, and that those surveys, marketing, and solicitations will not be directed at an individual who has requested in a timely fashion that the surveys, marketing, and solicitations not be directed at that individual.

(n) For use by a person, state, or state agency that requests the

on, if the person, state, or state agency demonstrates that it has obtained the written consent of the individual to whom the information pertains;

(o) For any other use specifically authorized by law that is related to the operation of a motor vehicle or to public safety.

(C) On and after September 13, 1997, an authorized recipient of personal information about an individual that the bureau of motor vehicles obtained in connection with a motor vehicle record, other than a recipient under division (B)(2)(l) or (m) of this section, may resell or redisclose the personal information only for a use permitted under division (B)(1), (B)(2)(a) to (k), (B)(2)(n), or (B)(2)(o) of this section. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B)(2)(l) of this section may resell or redisclose the information for any purpose. On and after September 13, 1997, an authorized recipient of personal information under division (B)(2)(m) of this section may resell or redisclose the information as specified pursuant to that division. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B) of this section, other than a recipient under division (B)(2)(l) of this section, that resells or rediscloses any personal information covered by this section must keep for a period of five years a record that identifies each person or entity that receives any of the personal information and the permitted purpose for which the information is to be used, and must make all such records available to the registrar of motor vehicles upon the registrar's request.

(D) The registrar may establish and carry out procedures under which the registrar or the registrar's agents, upon receipt of a request for personal information on or after September 13, 1997, that does not satisfy any of the criteria for disclosure of the information that are set forth in division (B)(1) or (2) of this section, may notify the individual about whom the information was requested, by regular mail, that the request was made. Any procedures so adopted shall provide that, if the registrar or an agent of the registrar mails the notice to the individual, the registrar or agent shall include with the notice a copy of the request and conspicuously shall include in the notice a statement that the information will not be released unless the individual waives the individual's right to privacy regarding the information that is granted under this section.

(E) The registrar of motor vehicles may adopt any forms and rules, consistent with but no more restrictive than the requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 2721-2725, that are necessary to carry out the registrar's duties under this section on and after September 13, 1997.

(F) Divisions (A) to (E) of this section do not apply to the release of any

personal information prior to September 13, 1997.

(G) As used in this section:

(1) "Motor vehicle record" means a record that pertains to a motor vehicle driver's or commercial driver's license or permit, a motor vehicle certificate of title, a motor vehicle registration or motor vehicle identification license plates, or an identification card issued by the bureau of motor vehicles.

(2) "Person" has the same meaning as in section 1.59 of the Revised Code and does not include this state, another state, or an agency of this state or another state.

(3) "Personal information" means information that identifies an individual, including, but not limited to, an individual's photograph or digital image, social security number, driver or driver's license identification number, name, telephone number, or medical or disability information, or an individual's address other than the five-digit zip code number. "Personal information" does not include information pertaining to a vehicular accident, driving or traffic violation, or driver's status.

(4) "Specified federal automobile-related act" means the "automobile information disclosure act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 U.S.C. 1901, et seq., the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the "Anti-car Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et seq., and the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et seq., all as now or hereafter amended.

Sec. 4511.191. (A) Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this state shall be deemed to have given consent to a chemical test or tests of the person's blood, breath, or urine for the purpose of determining the alcohol, drug, or alcohol and drug content of the person's blood, breath, or urine if arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine. The chemical test or tests shall be administered at the request of a police officer having reasonable grounds to believe the person to have been operating a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking in this state while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(B) Any person who is dead or unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn consent as provided by division (A) of this section and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(C)(1) Any person under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine shall be advised at a police station, or at a hospital, first-aid station, or clinic to which the person has been taken for first-aid or medical treatment, of both of the following:

(a) The consequences, as specified in division (E) of this section, of the person's refusal to submit upon request to a chemical test designated by the law enforcement agency as provided in division (A) of this section;

(b) The consequences, as specified in division (F) of this section, of the person's submission to the designated chemical test if the person is found to have a prohibited concentration of alcohol in the blood, breath, or urine.

(2)(a) The advice given pursuant to division (C)(1) of this section shall be in a written form containing the information described in division (C)(2)(b) of this section and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person in the presence of the arresting officer and either another police officer, a civilian police employee, or an employee of a hospital, first-aid station, or clinic, if any, to which the person has been taken for first-aid or medical treatment. The witnesses shall certify to this fact by signing the form.

(b) The form required by division (C)(2)(a) of this section shall read as follows:

"You now are under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or both alcohol and a drug of abuse and will be requested by a police officer to submit to a chemical test to determine the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in your blood, breath, or urine.

If you refuse to submit to the requested test or if you submit to the requested test and are found to have a prohibited concentration of alcohol in your blood, breath, or urine, your driver's or commercial driver's license or permit or nonresident operating privilege immediately will be suspended for the period of time specified by law by the officer, on behalf of the registrar of motor vehicles. You may appeal this suspension at your initial appearance before the court that hears the charges against you resulting from

the arrest, and your initial appearance will be conducted no later than five days after the arrest. This suspension is independent of the penalties for the offense, and you may be subject to other penalties upon conviction."

(D)(1) If a person under arrest as described in division (C)(1) of this section is not asked by a police officer to submit to a chemical test designated as provided in division (A) of this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward the seized license or permit to the court in which the arrested person is to appear on the charge for which the person was arrested. If the arrested person does not have the person's driver's or commercial driver's license or permit on the person's self or in the person's vehicle, the arresting officer shall order the arrested person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the arrest, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the court in which the arrested person is to appear on the charge for which the person was arrested. Upon receipt of the license or permit, the court shall retain it pending the initial appearance of the arrested person and any action taken under section 4511.196 of the Revised Code.

If a person under arrest as described in division (C)(1) of this section is asked by a police officer to submit to a chemical test designated as provided in division (A) of this section and is advised of the consequences of the person's refusal or submission as provided in division (C) of this section and if the person either refuses to submit to the designated chemical test or the person submits to the designated chemical test and the test results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense, the arresting officer shall do all of the following:

(a) On behalf of the registrar, serve a notice of suspension upon the person that advises the person that, independent of any penalties or sanctions imposed upon the person pursuant to any other section of the Revised Code or any other municipal ordinance, the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended, that the suspension takes effect immediately, that the suspension will last at least until the person's initial appearance on the charge that will be held within five days after the date of the person's arrest or the issuance

of a citation to the person, and that the person may appeal the suspension at the initial appearance; seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person; and immediately forward the seized license or permit to the registrar. If the arrested person does not have the person's driver's or commercial driver's license or permit on the person's self or in the person's vehicle, the arresting officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the service of the notice of suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar.

(b) Verify the current residence of the person and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the registrar of the change;

(c) In addition to forwarding the arrested person's driver's or commercial driver's license or permit to the registrar, send to the registrar, within forty-eight hours after the arrest of the person, a sworn report that includes all of the following statements:

(i) That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this state while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine;

(ii) That the person was arrested and charged with operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;

(iii) That the officer asked the person to take the designated chemical test, advised the person of the consequences of submitting to the chemical test or refusing to take the chemical test, and gave the person the form described in division (C)(2) of this section;

(iv) That the person refused to submit to the chemical test or that the person submitted to the chemical test and the test results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense;

(v) That the officer served a notice of suspension upon the person as described in division (D)(1)(a) of this section.

(2) The sworn report of an arresting officer completed under division (D)(1)(c) of this section shall be given by the officer to the arrested person at the time of the arrest or sent to the person by regular first class mail by the registrar as soon thereafter as possible, but no later than fourteen days after receipt of the report. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but no later than forty-eight hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

(3) The sworn report of an arresting officer completed and sent to the registrar and the court under divisions (D)(1)(c) and (D)(2) of this section is prima-facie proof of the information and statements that it contains and shall be admitted and considered as prima-facie proof of the information and statements that it contains in any appeal under division (H) of this section relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

(E)(1) Upon receipt of the sworn report of an arresting officer completed and sent to the registrar and a court pursuant to divisions (D)(1)(c) and (D)(2) of this section in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under division (D)(1)(a) of this section and the period of the suspension, as determined under divisions (E)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in this section and shall be for whichever of the following periods applies:

(a) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had not refused a previous request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension shall be one year. If the person is a resident without a license or permit to operate a vehicle within this state, the registrar shall deny to the person the issuance of a driver's or commercial driver's license or permit for a period of one year after the date of the alleged violation.

(b) If the arrested person, within five years of the date on which the

person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension or denial shall be two years.

(c) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension or denial shall be three years.

(d) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension or denial shall be five years.

(2) The suspension or denial imposed under division (E)(1) of this section shall continue for the entire one-year, two-year, three-year, or five-year period, subject to appeal as provided in this section and subject to termination as provided in division (K) of this section.

(F) Upon receipt of the sworn report of an arresting officer completed and sent to the registrar and a court pursuant to divisions (D)(1)(c) and (D)(2) of this section in regard to a person whose test results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under division (D)(1)(a) of this section and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in this section and shall be for whichever of the following periods that applies:

(1) Except when division (F)(2), (3), or (4) of this section applies and specifies a different period of suspension or denial, the period of the suspension or denial shall be ninety days.

(2) If the person has been convicted, within six years of the date the test was conducted, of one violation of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle

while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that at the time of the commission of the offense the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the period of the suspension or denial shall be one year.

(3) If the person has been convicted, within six years of the date the test was conducted, of two violations of a statute or ordinance described in division (F)(2) of this section, the period of the suspension or denial shall be two years.

(4) If the person has been convicted, within six years of the date the test was conducted, of more than two violations of a statute or ordinance described in division (F)(2) of this section, the period of the suspension or denial shall be three years.

(G)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under division (D)(1)(a) of this section for the period of time described in division (E) or (F) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take, or in the person taking, the chemical test or tests under division (A) of this section affects the suspension only as described in division (H)(2) of this section.

(2) If a person is arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine and regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (E) or (F) of this section, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to division (H)(1)

of this section regarding the issues specified in that division.

(H)(1) If a person is arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine and if the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended under division (E) or (F) of this section, the person may appeal the suspension at the person's initial appearance on the charge resulting from the arrest in the court in which the person will appear on that charge. If the person appeals the suspension at the person's initial appearance, the appeal does not stay the operation of the suspension. Subject to division (H)(2) of this section, no court has jurisdiction to grant a stay of a suspension imposed under division (E) or (F) of this section, and any order issued by any court that purports to grant a stay of any suspension imposed under either of those divisions shall not be given administrative effect.

If the person appeals the suspension at the person's initial appearance, either the person or the registrar may request a continuance of the appeal. Either the person or the registrar shall make the request for a continuance of the appeal at the same time as the making of the appeal. If either the person or the registrar requests a continuance of the appeal, the court may grant the continuance. The court also may continue the appeal on its own motion. The granting of a continuance applies only to the conduct of the appeal of the suspension and does not extend the time within which the initial appearance must be conducted, and the court shall proceed with all other aspects of the initial appearance in accordance with its normal procedures. Neither the request for nor the granting of a continuance stays the operation of the suspension that is the subject of the appeal.

If the person appeals the suspension at the person's initial appearance, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:

(a) Whether the law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this state while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine and whether the arrested person was in fact placed under arrest;

(b) Whether the law enforcement officer requested the arrested person to submit to the chemical test designated pursuant to division (A) of this section;

(c) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test;

(d) Whichever of the following is applicable:

(i) Whether the arrested person refused to submit to the chemical test requested by the officer;

(ii) Whether the chemical test results indicate that the arrested person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.

(2) If the person appeals the suspension at the initial appearance, the judge or referee of the court or the mayor of the mayor's court shall determine whether one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met. The person who appeals the suspension has the burden of proving, by a preponderance of the evidence, that one or more of the specified conditions has not been met. If during the appeal at the initial appearance the judge or referee of the court or the mayor of the mayor's court determines that all of those conditions have been met, the judge, referee, or mayor shall uphold the suspension, shall continue the suspension, and shall notify the registrar of the decision on a form approved by the registrar. Except as otherwise provided in division (H)(2) of this section, if the suspension is upheld or if the person does not appeal the suspension at the person's initial appearance under division (H)(1) of this section, the suspension shall continue until the complaint alleging the violation for which the person was arrested and in relation to which the suspension was imposed is adjudicated on the merits by the judge or referee of the trial court or by the mayor of the mayor's court. If the suspension was imposed under division (E) of this section and it is continued under this division, any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not terminate or otherwise affect the suspension. If the suspension was imposed under division (F) of this section and it is continued under this division, the suspension shall terminate if, for any reason, the person subsequently is found not guilty of the charge that resulted in the person taking the chemical test or tests under division (A) of this section.

If, during the appeal at the initial appearance, the judge or referee of the

trial court or the mayor of the mayor's court determines that one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met, the judge, referee, or mayor shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 4511.196 of the Revised Code; shall notify the registrar of the decision on a form approved by the registrar; and, except as provided in division (B) of section 4511.196 of the Revised Code, shall order the registrar to return the driver's or commercial driver's license or permit to the person or to take such measures as may be necessary, if the license or permit was destroyed under section 4507.55 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period of time.

If the person appeals the suspension at the initial appearance, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the initial appearance is conducted in a juvenile court or county court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the appeal is conducted, the city director of law or village solicitor of that city or village shall represent the registrar. If the appeal is conducted in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that operates that mayor's court.

(I)(1) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (E) of this section, and the person, within the preceding seven years, has refused three previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content or has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is

substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the person is not entitled to request, and the court shall not grant to the person, occupational driving privileges under this division. Any other person whose driver's or commercial driver's license or nonresident operating privilege has been suspended pursuant to division (E) of this section may file a petition requesting occupational driving privileges in the common pleas court, municipal court, county court, mayor's court, or, if the person is a minor, juvenile court with jurisdiction over the related criminal or delinquency case. The petition may be filed at any time subsequent to the date on which the notice of suspension is served upon the arrested person. The person shall pay the costs of the proceeding, notify the registrar of the filing of the petition, and send the registrar a copy of the petition.

In the proceedings, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the petition is filed in the juvenile court, county court, or common pleas court, except that, if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the registrar. If the petition is filed in the municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the petition is filed in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that operates the mayor's court.

The court, if it finds reasonable cause to believe that suspension would seriously affect the person's ability to continue in the person's employment, may grant the person occupational driving privileges during the period of suspension imposed pursuant to division (E) of this section, subject to the limitations contained in this division and division (I)(2) of this section. The court may grant the occupational driving privileges, subject to the limitations contained in this division and division (I)(2) of this section, regardless of whether the person appeals the suspension at the person's initial appearance under division (H)(1) of this section or appeals the decision of the court made pursuant to the appeal conducted at the initial appearance, and, if the person has appealed the suspension or decision, regardless of whether the matter at issue has been heard or decided by the

court. The court shall not grant occupational driving privileges to any person who, within seven years of the filing of the petition, has refused three previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content or has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, and shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 2301.374 or 4506.16 of the Revised Code.

(2)(a) In granting occupational driving privileges under division (I)(1) of this section, the court may impose any condition it considers reasonable and necessary to limit the use of a vehicle by the person. The court shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the time, place, and other conditions limiting the defendant's use of a vehicle. The grant of occupational driving privileges shall be conditioned upon the person's having the permit in the person's possession at all times during which the person is operating a vehicle.

A person granted occupational driving privileges who operates a vehicle for other than occupational purposes, in violation of any condition imposed by the court, or without having the permit in the person's possession, is guilty of a violation of section 4507.02 of the Revised Code.

(b) The court may not grant a person occupational driving privileges under division (I)(1) of this section when prohibited by a limitation contained in that division or during any of the following periods of time:

(i) The first thirty days of suspension imposed upon a person who, within five years of the date on which the person refused the request to consent to a chemical test of the person's blood, breath, or urine to

determine its alcohol content and for which refusal the suspension was imposed, had not refused a previous request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content;

(ii) The first ninety days of suspension imposed upon a person who, within five years of the date on which the person refused the request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content and for which refusal the suspension was imposed, had refused one previous request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content;

(iii) The first year of suspension imposed upon a person who, within five years of the date on which the person refused the request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content and for which refusal the suspension was imposed, had refused two previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content;

(iv) The first three years of suspension imposed upon a person who, within five years of the date on which the person refused the request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content and for which refusal the suspension was imposed, had refused three or more previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content.

(3) The court shall give information in writing of any action taken under this section to the registrar.

(4) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (F) of this section, and the person, within the preceding seven years, has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially

similar to division (A) or (B) of section 4511.19 of the Revised Code, the person is not entitled to request, and the court shall not grant to the person, occupational driving privileges under this division. Any other person whose driver's or commercial driver's license or nonresident operating privilege has been suspended pursuant to division (F) of this section may file in the court specified in division (I)(1) of this section a petition requesting occupational driving privileges in accordance with section 4507.16 of the Revised Code. The petition may be filed at any time subsequent to the date on which the arresting officer serves the notice of suspension upon the arrested person. Upon the making of the request, occupational driving privileges may be granted in accordance with section 4507.16 of the Revised Code. The court may grant the occupational driving privileges, subject to the limitations contained in section 4507.16 of the Revised Code, regardless of whether the person appeals the suspension at the person's initial appearance under division (H)(1) of this section or appeals the decision of the court made pursuant to the appeal conducted at the initial appearance, and, if the person has appealed the suspension or decision, regardless of whether the matter at issue has been heard or decided by the court.

(J) When it finally has been determined under the procedures of this section that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(K) A suspension of the driver's or commercial driver's license or permit of a resident, a suspension of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit pursuant to division (E) or (F) of this section shall be terminated by the registrar upon receipt of notice of the person's entering a plea of guilty to, or of the person's conviction of, operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine, if the offense for which the plea is entered or that resulted in the conviction arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to division (B) or (E) of section 4507.16 of the Revised Code any time during which the person serves a related suspension imposed pursuant to division (E) or (F) of this section.

(L) At the end of a suspension period under this section, section 4511.196, or division (B) of section 4507.16 of the Revised Code and upon

he request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, revocation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the person's compliance with all of the conditions specified in divisions (L)(1) and (2) of this section:

(1) A showing by the person that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (L)(3) of this section, payment by the person of a license reinstatement fee of four hundred five dollars to the bureau of motor vehicles, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the ~~drivers'~~ statewide treatment and ~~intervention~~ prevention fund~~, which is hereby established~~ created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as otherwise provided in division (L)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (N) of this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county,

juvenile, or municipal court judge not to have the means to pay for attendance at the program or to pay the costs specified in division (N)(4) of this section in accordance with that division. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (N) of this section because the director of alcohol and drug addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the ~~drivers'~~ statewide treatment and ~~intervention~~ prevention fund~~,~~ created ~~in division (L)(2)(a) of this~~ by section 4301.30 of the Revised Code, upon certification of the amount by the director of alcohol and drug addiction services.

(d) Seventy-five dollars shall be credited to the Ohio rehabilitation services commission established by section 3304.12 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the commission to rehabilitate people with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (L)(4) of this section.

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(3) If a person's driver's or commercial driver's license or permit is suspended under division (E) or (F) of this section, section 4511.196, or division (B) of section 4507.16 of the Revised Code, or any combination of the suspensions described in division (L)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (L)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under division (L)(2)(e) of this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who

conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (L)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (L)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(M) Suspension of a commercial driver's license under division (E) or (F) of this section shall be concurrent with any period of disqualification under section 2301.374 or 4506.16 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (E) or (F) of this section, and no person whose commercial driver's license is suspended under division (E) or (F) of this section shall be issued a driver's license under that chapter during the period of the suspension.

(N)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (L) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance with division (N)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or division (B)(2) of section 4507.02 of the Revised Code, and that are

required under division (A)(1) or (2) of section 4511.99 or division (B)(5) of section 4507.99 of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division.

(2) That portion of the license reinstatement fee that is paid under division (L) of this section and that is credited under that division to the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

(a) If the suspension in question was imposed under this section, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;

(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(b) If the suspension in question was imposed under division (B) of section 4507.16 of the Revised Code, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by

reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of attendance at the treatment program or for payment of the costs specified in division (N)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (N)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(a) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(b) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

Sec. 4511.83. (A) As used in this section:

(1) "Ignition interlock device" means a device that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any person attempting to start that motor vehicle by using its ignition system, and that deters starting the motor vehicle by use of its ignition system unless the person attempting to so start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a preset level.

(2) "Offender with restricted driving privileges" means an offender who is subject to an order that was issued under division (F) of section 4507.16 of the Revised Code as a condition of the granting of occupational driving privileges or an offender whose driving privilege is restricted as a condition of probation pursuant to division (G) of section 2951.02 of the Revised Code.

(B)(1) Except in cases of a substantial emergency when no other person is reasonably available to drive in response to the emergency, no person shall knowingly rent, lease, or lend a motor vehicle to any offender with restricted driving privileges, unless the vehicle is equipped with a functioning ignition interlock device that is certified pursuant to division (D) of this section.

(2) Any offender with restricted driving privileges who rents, leases, or borrows a motor vehicle from another person shall notify the person who rents, leases, or lends the motor vehicle to the offender that the offender has restricted driving privileges and of the nature of the restriction.

(3) Any offender with restricted driving privileges who is required to operate a motor vehicle owned by the offender's employer in the course and scope of the offender's employment may operate that vehicle without the installation of an ignition interlock device, provided that the employer has been notified that the offender has restricted driving privileges and of the nature of the restriction and provided further that the offender has proof of the employer's notification in the offender's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by an offender with restricted driving privileges is not a motor vehicle owned by an employer, for purposes of this division.

(C) If a court, pursuant to division (F) of section 4507.16 of the Revised

Code, imposes the use of an ignition interlock device as a condition of the granting of occupational driving privileges, the court shall require the offender to provide proof of compliance to the court at least once quarterly or more frequently as ordered by the court in its discretion. If a court imposes the use of an ignition interlock device as a condition of probation under division (I) of section 2951.02 of the Revised Code, the court shall require the offender to provide proof of compliance to the court or probation officer prior to issuing any driving privilege or continuing the probation status. In either case in which a court imposes the use of such a device, the offender, at least once quarterly or more frequently as ordered by the court in its discretion, shall have the device inspected as ordered by the court for accurate operation and shall provide the results of the inspection to the court or, if applicable, to the offender's probation officer.

(D)(1) The director of public safety, upon consultation with the director of health and in accordance with Chapter 119. of the Revised Code, shall certify ignition interlock devices and shall publish and make available to the courts, without charge, a list of approved devices together with information about the manufacturers of the devices and where they may be obtained. The cost of obtaining the certification of an ignition interlock device shall be paid by the manufacturer of the device to the director of public safety and shall be deposited in the ~~drivers'~~ statewide treatment and ~~intervention~~ prevention fund established by section ~~4511.191~~ 4301.30 of the Revised Code.

(2) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt and publish rules setting forth the requirements for obtaining the certification of an ignition interlock device. No ignition interlock device shall be certified by the director of public safety pursuant to division (D)(1) of this section unless it meets the requirements specified and published by the director in the rules adopted pursuant to this division. The requirements shall include provisions for setting a minimum and maximum calibration range and shall include, but shall not be limited to, specifications that the device complies with all of the following:

(a) It does not impede the safe operation of the vehicle.

(b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle.

(c) It correlates well with established measures of alcohol impairment.

(d) It works accurately and reliably in an unsupervised environment.

(e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.

(f) It is difficult to circumvent and requires premeditation to do so.

(g) It minimizes inconvenience to a sober user.

(h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.

(i) It operates reliably over the range of automobile environments.

(j) It is made by a manufacturer who is covered by product liability insurance.

(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of ignition interlock devices.

(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each ignition interlock device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.

(E)(1) No offender with restricted driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an ignition interlock device, shall request or permit any other person to breathe into the device or start a motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(2)(a) Except as provided in division (E)(2)(b) of this section, no person shall breathe into an ignition interlock device or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to an offender with restricted driving privileges.

(b) Division (E)(2)(a) of this section does not apply to an offender with restricted driving privileges who breathes into an ignition interlock device or starts a motor vehicle equipped with an ignition interlock device for the purpose of providing ~~himself or herself~~ the offender with an operable motor vehicle.

(3) No unauthorized person shall tamper with or circumvent the operation of an ignition interlock device.

Sec. 4701.03. (A) The accountancy board annually shall elect a president, secretary, and treasurer from its members. The board may adopt and amend rules for the orderly conduct of its affairs and for the administration of this chapter. The board may adopt and amend rules defining the practice of public accounting, rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in registrants and certificate holders under this chapter, and rules regulating the sole proprietorship, partnership, limited liability company, professional

association, corporation-for-profit, or other legal entity practice of public accounting. A majority of the board shall constitute a quorum for the transaction of business.

(B) The board shall keep and hold open for public inspection all records of its proceedings.

(C) The board may employ any clerks that are necessary to assist it in the performance of its duties and the keeping of its records. If the board employs an executive director, the executive director shall be paid in accordance with pay range 18 of salary schedule E-1 listed in section 124.152 of the Revised Code.

Sec. 4701.06. The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements:

(A) The person is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state. The board may determine by rule circumstances under which the residency requirement may be waived.

(B) The person has attained the age of eighteen years.

(C) The person is of good moral character.

(D) The person meets the following requirements of education and experience:

(1)(a) Prior to January 1, 2000, graduation with a baccalaureate degree conferred by a college or university recognized by the board, with a concentration in accounting that includes related courses in other areas of business administration, or what the board determines to be substantially the equivalent of the foregoing;

(b) On and after January 1, 2000, graduation with a baccalaureate or higher degree that includes successful completion of one hundred fifty semester hours of undergraduate or graduate education. The board by rule shall specify graduate degrees that satisfy this requirement and also by rule shall require any subjects that it considers appropriate. The total educational program shall include an accounting concentration with related courses in other areas of business administration, as defined by board rule.

(2)(a) The experience requirement for candidates meeting the educational requirements set forth in division (D)(1)(a) or (b) of this section is one year of experience satisfactory to the board in any of the following:

(i) A public accounting firm;

(ii) Government;

(iii) Business;

(iv) Academia.

(b) Except as provided in division (D)(2)(c) of this section, the experience requirement for any candidate who, on and after January 1, 2000, does not meet the educational requirement set forth in division (D)(1)(b) of this section is four years of experience described in division (D)(2)(a) of this section. The experience requirement for any candidate who, prior to January 1, 2000, does not meet the educational requirement set forth in division (D)(1)(a) of this section is two years of experience described in division (D)(2)(a) of this section.

(c) On and after January 1, 2000, the experience requirement for any candidate who, subsequent to obtaining a baccalaureate or higher degree, other than a baccalaureate or higher degree described in division (D)(1)(b) of this section, successfully completes coursework that meets the educational requirement set forth in division (D)(1)(b) of this section is two years of experience described in division (D)(2)(a) of this section.

(E) The person has passed ~~a written~~ an examination ~~in accounting and auditing and in any related subjects that the board determines to be appropriate. The board shall adopt rules, consistent with this section, for these examinations and for application to take these examinations~~ that is administered in the manner and that covers the subjects that the board prescribes by rule. In adopting the relevant rules, the board shall ensure to the extent possible that the examination, the examination process, and the examination's passing standard are uniform with the examinations, examination processes, and examination passing standards of all other states and may provide for the use of all or parts of the uniform certified public accountant examination and advisory grading service of the American institute of certified public accountants. The board may contract with third parties to perform administrative services that relate to the examination and that the board determines are appropriate in order to assist the board in performing its duties in relation to the examination.

None of the educational requirements specified in division (D) of this section apply to a candidate who has a PA registration, but the experience requirement for the candidate who does not meet those educational requirements is four years of the experience described in division (D)(2)(a) of this section.

Prior to January 1, 2000, the board shall waive the educational requirement set forth in division (D)(1)(a) of this section for any candidate if it finds that the candidate has attained the equivalent education by attendance at a business school, by self-study, or otherwise, and if it is satisfied from the results of special ~~written~~ examinations that the board gives the candidate to test the candidate's educational qualifications that the

candidate is as well equipped, educationally, as if the candidate met the applicable educational requirement specified in division (D)(1)(a) of this section.

On and after January 1, 2000, the board shall waive the educational requirement set forth in division (D)(1)(b) of this section for any candidate if the board finds that the candidate has obtained from an accredited college or university approved by the board, either an associate degree or a baccalaureate degree, other than a baccalaureate degree described in division (D)(1)(b) of this section, with a concentration in accounting that includes related courses in other areas of business administration, and if the board is satisfied from the results of special ~~written~~ examinations that the board gives the candidate to test the candidate's educational qualification that the candidate is as well equipped, educationally, as if the candidate met the applicable educational requirement specified in division (D)(1)(b) of this section.

The board shall provide by rule for the general scope of any special ~~written~~ examinations for a waiver of the educational requirements under division (D)(1)(a) or (b) of this section and may obtain any advice and assistance that it considers appropriate to assist it in preparing and grading those special ~~written~~ examinations. The board may use any existing examinations or may prepare any number of new examinations to assist in determining the equivalent training of a candidate. The board by rule shall prescribe any special ~~written~~ examinations for a waiver of the educational requirements under division (D)(1)(a) or (b) of this section and the passing score required for each examination.

The ~~examinations described~~ board shall hold the examination referred to in division (E) of this section and the special ~~written~~ examinations for a waiver of the educational requirements under division (D)(1)(a) or (b) of this section ~~shall be held by the board and shall take place~~ as often as the board determines to be desirable, but the ~~examinations described~~ examination referred to in division (E) of this section shall be held not less frequently than once each year. ~~The board may make the use of all or any part of the uniform certified public accountants' examination and advisory grading service, or either, as it considers appropriate to assist it in performing its duties under this section. The board also may contract with qualified organizations for assistance in the administration of any examinations.~~ The board by rule may provide for granting credit to a candidate for satisfactory completion of ~~a written~~ an examination that a licensing authority of another state gave in one or more of the subjects referred to in division (E) of this section ~~given by the licensing authority in~~

~~any other state~~.

A candidate who has met the educational requirements, or with respect to whom they either do not apply or have been waived, is eligible to take the examination referred to in division (E) of this section without waiting until the candidate meets the experience requirements, provided the candidate also meets the requirements of divisions (A) and (C) of this section.

A candidate for the certificate of certified public accountant who has successfully completed the examination under division (E) of this section has no status as a certified public accountant, unless and until the candidate has the requisite experience and has received a certificate as a certified public accountant. The board shall determine and charge a fee for issuing the certificate that is adequate to cover the expense.

The board by rule may prescribe the terms and conditions under which a candidate who passes part but not all of the examination ~~in one or more of the subjects referred to in division (E) of this section~~ may ~~be reexamined in only the remaining subjects, with credit for the subjects previously passed~~ retake the examination. It also may provide by rule for a reasonable waiting period for a candidate's reexamination ~~in a subject the candidate has failed. Subject to board rules of those types and any other rules that the board may adopt governing reexaminations, a candidate is entitled to any number of reexaminations under division (E) of this section. No candidate shall be required to be reexamined in all subjects unless a period of four years has elapsed since the candidate initially earned credit on the examination~~.

The applicable educational and experience requirements under division (D) of this section shall be those in effect on the date on which the candidate first sits for the examination.

The board shall charge a candidate a reasonable fee, to be determined by the board, that is adequate to cover all rentals, compensation for proctors, and other administrative expenses of the board related to examination or reexamination, including the expenses of procuring and grading the examination provided for in division (E) of this section and for any special ~~written~~ examinations for a waiver of the educational requirements under division (D)(1)(a) or (b) of this section. Fees for reexamination under division (E) of this section shall be charged by the board in amounts determined by it. The applicable fees shall be paid by the candidate at the time the candidate applies for examination or reexamination.

Any person who has received from the board a certificate as a certified public accountant and who holds an Ohio permit shall be styled and known as a "certified public accountant" and also may use the abbreviation "CPA." The board shall maintain a list of certified public accountants. Any certified

public accountant also may be known as a "public accountant."

Persons who, on the effective date of an amendment of this section, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this section but shall otherwise be subject to all provisions of this section, and those previously issued certificates, for all purposes, shall be considered certificates issued under this section and subject to its provisions.

The board may waive the examination under division (E) of this section and, upon payment of a fee determined by it, may issue a certificate as a "certified public accountant" to any person who possesses the qualifications specified in divisions (A), (B), and (C) of this section and what the board determines to be substantially the equivalent of the applicable qualifications under division (D) of this section and who is the holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any state, or is the holder of a certificate, license, or degree in a foreign country that constitutes a recognized qualification for the practice of public accounting in that country, that is comparable to that of a certified public accountant of this state, and that is then in full force and effect.

Sec. 4703.36. (A) The state board of landscape architect examiners shall register as a landscape architect each applicant who demonstrates to the satisfaction of the board that the applicant has met all requirements of section 4703.34 of the Revised Code, or in lieu thereof, has complied with the provisions of section 4703.341 or 4703.35 of the Revised Code. The certificate issued to each individual shall be prima-facie evidence of the right of the individual to whom it is issued to represent ~~himself or herself~~ self as a landscape architect and to enter the practice of landscape architecture, subject to sections 4703.30 to 4703.49 of the Revised Code.

(B) Each certificate of qualification issued and registered shall authorize the holder to practice landscape architecture as a landscape architect in this state ~~from the date of issuance~~ until the last day of October ~~next succeeding the date upon which the certificate was issued~~ of each odd-numbered calendar year, unless revoked or suspended for cause as provided in ~~section 4703.42 of the Revised Code~~ this chapter or suspended pursuant to section 2301.373 of the Revised Code. License renewal shall be conducted in accordance with the standard license renewal procedure in Chapter 4745. of the Revised Code. Each renewal shall be recorded in the official register of the board.

(C) Each person registered by the board shall secure a seal of the design prescribed by the board. All plans, specifications, drawings, and other documents prepared by, or under the direct supervision of, the landscape

architect shall be imprinted with such seal, in accordance with the requirements of the board.

(D) Each certificate of authorization issued under division (F) of section 4703.331 of the Revised Code shall authorize the holder to provide landscape architectural services, through the landscape architect designated as being in responsible charge of the landscape architectural activities and decisions, from the date of issuance until the last day of June next succeeding the date upon which the certificate was issued unless the certificate has been suspended or revoked for cause as provided in section 4703.42 of the Revised Code.

Sec. 4703.37. (A) The state board of landscape architect examiners shall establish an application fee for ~~taking or retaking the examination described in division (C) of section 4703.34 of the Revised Code at an amount adequate to cover all rentals, compensation for proctors, and other expenses of the board related to the examination except the expenses of procuring and grading the examination~~ obtaining registration under section 4703.34 of the Revised Code and a fee for obtaining registration under section 4703.35 of the Revised Code.

(B) ~~The board shall establish an examination fee for taking the examination described in division (C) of section 4703.34 of the Revised Code at an amount adequate to cover the expenses of procuring and grading the examination~~ The fee to restore an expired certificate of qualification is the renewal fee for the current certification period, plus the renewal fee for each previous renewal period in which the certificate was not renewed, plus a penalty of twenty-five per cent of the total renewal fees for each renewal period or part thereof in which the certificate was not renewed, on the condition that the maximum fee shall not exceed an amount established by the board.

(C) The board also shall establish ~~reexamination~~ the following fees ~~for~~:

(1) The fee for taking or retaking ~~parts of~~ the examination described in division (C) of section 4703.34 of the Revised Code at ~~amounts~~ an amount adequate to cover the expenses of procuring and grading ~~such parts~~ the examination plus a fee for retaking all or parts of the required examination.

~~(D) The board shall establish the~~ (2) The fee ~~to be paid by an applicant~~ for a certificate of qualification or duplicate thereof, as issued to a landscape architect registered under sections 4703.33 to 4703.38 of the Revised Code.

~~(E) The board shall establish the fee to be paid by an applicant for registration under section 4703.35 of the Revised Code.~~

~~(F) The board shall establish a~~ (3) The fee for the biennial renewal of the certificate of qualification and the fee for a duplicate renewal card.

(4) The fee to be charged an examinee for administering an examination to ~~him~~ the examinee on behalf of another jurisdiction.

~~(G) The board shall establish the~~ (5) The fee for a certificate of authorization issued under division (F) of section 4703.331 of the Revised Code ~~and~~, the fee for annual renewal of a certificate of authorization~~. The board shall establish~~, and the fee for a duplicate certificate of authorization.

~~(H) The board shall establish the fee for the annual renewal of the certificate of qualification and the fee for a duplicate renewal card.~~

~~(I) The fee to restore an expired certificate of qualification shall be the renewal fee for the current year, plus the renewal fee for each year in which the certificate was not renewed, plus a penalty of ten per cent for each delinquent year or part thereof; provided, however, the maximum fee shall not exceed the combined fees and penalties for the current year and the four previous years.~~

Sec. 4709.01. As used in this chapter:

(A) ~~"The~~ (1) Except as provided in division (A)(2) of this section, "the practice of barbering" means any one or more of the following when performed upon the head, neck, or face for cosmetic purposes and when performed upon the public for pay, free, or otherwise:

~~(1)~~(a) Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;

~~(2)~~(b) Cutting or styling hair;

~~(3)~~(c) Facials, skin care, or scalp massages;

~~(4)~~(d) Shampooing, bleaching, coloring, straightening, or permanent waving hair;

~~(5)~~(e) Cutting, fitting, or forming head caps for wigs or hair pieces~~;~~

~~(6) Noninvasive hair weaving~~.

(2) "The practice of barbering" does not include the practice of natural hair styling.

(B) "Sanitary" means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.

(C) "Barber" means any person who engages in or attempts to engage in the practice of barbering.

(D) "Barber school" means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.

(E) "Barber teacher" means any person who engages in or attempts to engage in the teaching of the practice of barbering.

(F) "Assistant barber teacher" means any person who assists a barber teacher in the teaching of the practice of barbering.

(G) "Barber pole" means a cylinder or pole with alternating stripes of

any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole.

(H) "The practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.

(I) "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

Sec. 4712.01. As used in sections 4712.01 to 4712.14 of the Revised Code:

(A) "Buyer" means an individual who is solicited to purchase or who purchases the services of a credit services organization for purposes other than obtaining a business loan as described in division (B)(6) of section 1343.01 of the Revised Code.

(B) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended.

(C)(1) "Credit services organization" means any person that ~~charges or receives, directly from the buyer,~~in return for the payment of money or other valuable consideration readily convertible into moneyfor the following services, ~~and that~~ sells, provides, or performs, or represents that the person can or will sell, provide, or perform, ~~any~~one or more of the following services:

(a) Improving a buyer's credit record, history, or rating;

(b) Obtaining an extension of creditby others for a buyer;

(c) Providing advice or assistance to a buyer in connection with division (C)(1)(a) or (b) of this section;

(d) Removing adverse credit information that is accurate and not obsolete from the buyer's credit record, history, or rating;

(e) Altering the buyer's identification to prevent the display of the buyer's credit record, history, or rating.

(2) "Credit services organization" does not include any of the following:

(a) A person that makes or collects loans, to the extent these activities are subject to licensure or registration by this state;

(b) A mortgage broker, as defined in division (E) of section 1322.01 of the Revised Code, that holds a valid certificate of registration under sections

1322.01 to 1322.12 of the Revised Code;

(c) A lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1701, as amended;

(d) A bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association. For purposes of division (C)(2)(d) of this section, "affiliate" has the same meaning as in division (A) of section 1101.01 of the Revised Code and "bank," as used in division (A) of section 1101.01 of the Revised Code, is deemed to include a savings bank or savings and loan association.

(e) A credit union organized and qualified under Chapter 1733. of the Revised Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C.A. 1751, as amended;

(f) A budget and debt counseling service, as defined in division (D) of section 2716.03 of the Revised Code, provided that the service is a nonprofit organization exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is in compliance with Chapter 4710. of the Revised Code;

(g) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended.

(h) A mortgage banker;

(i) Any political subdivision, or any governmental or other public entity, corporation, or agency, in or of the United States or any state of the United States;

(j) A college or university, or controlled entity of a college or university, as defined in section 1713.05 of the Revised Code;

(k) A motor vehicle dealer licensed pursuant to Chapter 4517. of the Revised Code acting within the scope and authority of that license or a motor vehicle auction owner licensed pursuant to Chapters 4517. and 4707. of the Revised Code acting within the scope and authority of that license.

(D) "Extension of credit" means the right to defer payment of debt, or to incur debt and defer its payment, offered or granted primarily for personal, family, or household purposes. "Extension of credit" does not include a mortgage.

(E) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.

(F) "Mortgage banker" means any person that makes, services, or buys and sells mortgage loans and is approved by the United States department of

housing and urban development, the United States department of veterans affairs, the federal national mortgage association, or the federal home loan mortgage corporation.

(G) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

Sec. 4713.01. As used in sections 4713.01 to 4713.21 of the Revised Code:

(A) The practice of cosmetology includes work done for pay, free, or otherwise, by any person, which work is usually performed by hairdressers, cosmetologists, cosmeticians, natural hair stylists,or beauty culturists, however denominated, in beauty salons; which work is for the embellishment, cleanliness, and beautification of hair, wigs, and postiches, such as arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, weaving, or similar work, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work by the use of manual massage techniques or mechanical or electrically operated apparatus or appliances, or cosmetics, preparations, tonics, antiseptics, creams, or lotions, and of manicuring the nails or application of artificial nails, which enumerated practices shall be inclusive of the practice of cosmetology, but not in limitation thereof. Sections 4713.01 to 4713.21 of the Revised Code do not permit any of the services or arts described in this division to be used for the treatment or cure of any physical or mental diseases or ailments.

The retail sale or the trial demonstration by application to the skin for purposes of retail sale of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, and postiches shall not be considered the practice of cosmetology.

(B) "Cosmetologist," "cosmetician," "beauty culturist," or "hairdresser," means any person who, for pay, free, or otherwise, engages in the practice of cosmetology.

(C) "Manicurist" means any person who, for pay, free, or otherwise, engages only in the occupation of manicuring the nails of any person or the application of artificial or sculptured nails, or both.

(D) "The practice of esthetics" includes work done for pay, free, or otherwise, by any person, which work is the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus.

(E) "Esthetician" means any person who, for pay, free, or otherwise,

engages only in the practice of esthetics.

(F) "Beauty salon" means any premises, building, or part of a building, in which any branch of cosmetology, except the occupation of a manicurist when carried on in a barber shop licensed under Chapter 4709. of the Revised Code, or the occupation of a cosmetologist is practiced.

(G) "Student" means any person who is engaged in learning or acquiring knowledge of the occupation of a cosmetologist, manicurist, or esthetician in a school of cosmetology.

(H) "School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of cosmetology, manicuring, and esthetics.

(I) "Managing cosmetologist" means any person who has met the requirements of division ~~(D)~~(E)of section 4713.04 of the Revised Code, and has applied for and received a managing cosmetologist license.

(J) "Cosmetology instructor" means any person who has met the requirements of division ~~(E)~~(F) of section 4713.04 of the Revised Code, and has applied for and received an instructor's license.

(K) "Apprentice instructor" means any licensee of the state board of cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor, in any branch of cosmetology in a duly licensed school of cosmetology.

(L) "Cosmetic therapy" and "cosmetic therapist" have the same meanings as in section 4731.15 of the Revised Code.

(M) "Nail salon" means any premises, building, or part of a building in which manicurists engage only in the occupation of manicuring the nails of any person or the application of artificial or sculptured nails, or both. For administrative purposes, a nail salon is deemed the equivalent of a beauty salon and is subject to appropriate rules with respect to sanitation and sterilization. A licensed manicurist may practice the occupation of manicuring nails in a nail salon, in a beauty salon, or in a barber shop.

(N) "Esthetics salon" means any premises, building, or part of a building in which esthetics is performed by a person licensed as a cosmetologist or esthetician. For administrative purposes, an esthetics salon is deemed the equivalent of a beauty salon and is subject to the appropriate rules with respect to sanitation and sterilization.

(O) "Managing manicurist" means any person who has met the requirements of division (H) of section 4713.04 of the Revised Code, and has applied for and received a managing manicurist license.

(P) "Manicurist instructor" means any person who meets the requirements of division (L) of section 4713.04 of the Revised Code and

who has applied for and received a manicurist instructor license.

(Q) "Managing esthetician" means any person who has met the requirements of division (J) of section 4713.04 of the Revised Code, and has applied for and received a managing esthetician's license.

(R) "Esthetics instructor" means any person who meets the requirements of division (K) of section 4713.04 of the Revised Code and who has applied for and received an esthetics instructor license.

(S) "Glamour photography" means the combination of a photographic service or product with the delivery of a cosmetology service advertised or sold to the public.

(T) "The practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.

(U) "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

Sec. 4713.02. (A) There is hereby created the state board of cosmetology, consisting of the following seven members appointed by the governor, with the advice and consent of the senate: four graduate licensed cosmetologists, three of whom are actively engaged in the management of a beauty salon at the time of appointment; one regularly licensed physician; one owner of a licensed school of cosmetology; and one owner of at least five licensed beauty salons.

All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology.

Terms of office are for five years, commencing on the first day of November and ending on the thirty-first day of October. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the

expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Before entering upon the discharge of ~~his~~ the duties of the office of member, each member shall take, and file with the secretary of state, the oath of office required by Section 7 of Article XV, Ohio Constitution.

The members of the board shall receive an amount fixed pursuant to Chapter 124. of the Revised Code per diem for every meeting of the board which they attend, together with their necessary expenses, and mileage for each mile necessarily traveled.

The members of the board shall annually elect, from among their number, a ~~chairman~~ chairperson, and annually appoint an executive director who is not a member of the board. The executive director, before entering upon the discharge of ~~his~~ the executive director's duties, shall file with the secretary of state a good and sufficient bond payable to the state, to ensure the faithful performance of ~~his~~ duties of the office of executive director, in such sum as the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes.

The board shall prescribe the duties of its officers and establish an office at Columbus, Ohio. The board shall keep all records and files at the office and have the records and files at all reasonable hours open to public inspection. The board also shall adopt a seal.

(B) The board may employ necessary inspectors, examiners, consultants on contents of examinations, and clerks. All inspectors, and examiners of cosmetologists, shall be licensed cosmetologists.

(C) The board shall adopt rules for carrying out sections 4713.01 to 4713.25 of the Revised Code. The rules shall cover at least all of the following:

(1) Conducting examinations of applicants for a license;

(2) The recognition of, and the credits to be given to, the study of cosmetology, or any branch thereof, in a school of cosmetology licensed under the laws of this or another state;

(3) Establishing reasonable fees for application to take the examination for licensure as a natural hair stylist and for issuance of a license to practice natural hair styling;

(4) Sanitary standards, including those authorized by the department of health, with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in beauty salons, nail salons, esthetics salons, or schools of cosmetology, or in the practice of cosmetology.

The board shall furnish a copy of all sanitary rules adopted to each

n issued a license for the conduct of a beauty salon, nail salon, esthetics salon, or school of cosmetology and to each operator, manicurist, and person engaged in the practice of massage. A copy of all such sanitary rules shall be posted in a conspicuous place in all beauty salons, nail salons, esthetics salons, and schools of cosmetology.

The board may adopt rules authorizing beauty or nail salons to offer esthetic services in the salon and may adopt rules regulating the practice of the services.

(D) The board shall do all of the following:

(1) Hold examinations of all applicants for license whose applications have been submitted in proper form;

(2) Issue licenses to applicants who meet the requirements of sections 4713.01 to 4713.25 of the Revised Code;

(3) Register beauty salons, nail salons, esthetics salons, and schools of cosmetology;

(4) Report to the proper prosecuting officer all violations coming within its knowledge;

(5) Make a written report annually to the governor concerning the conditions in this state of cosmetology and the branches thereof, which report shall also contain a brief reference to the proceedings had by or before the board for the year last past and a statement of all money received and expended by the board during such year;

(6) Keep a record containing the name and known place of business, and the date and number of license, of every licensed cosmetologist, esthetician, and every person engaged in the practice of any branch of cosmetology, together with the name and address of all tanning facilities, licensed beauty salons, licensed nail salons, licensed esthetics salons, and schools of cosmetology;

(7) Keep a record of its proceedings;

(8) All things necessary to carry out sections 4713.01 to 4713.25 of the Revised Code.

Sec. 4713.04. (A) Applicants for a cosmetologist's license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have received a total of not less than fifteen hundred hours of instruction in the several branches of cosmetology, including subjects relating to sanitation, in a licensed school of cosmetology in Ohio or otherwise pursuant to credits given by the state board of cosmetology as provided in section 4713.02 of the Revised Code, provided that only one thousand hours of instruction in the several branches of cosmetology in a licensed school of cosmetology in this state is required

of a person licensed as a barber under Chapter 4709. of the Revised Code. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination in order to qualify for a cosmetologist's license.

(B) Applicants for a manicurist's license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have received at least two hundred hours of instruction in subjects relating to sanitation, manicuring, and application of artificial or sculptured nails in a licensed school of cosmetology in Ohio. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination in order to qualify for a manicurist's license.

(C) Applicants for an esthetician's license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have successfully completed at least six hundred hours of instruction in esthetics in a licensed school of cosmetology in this state. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination to qualify for an esthetician's license. The board shall design the examination so as to demonstrate an applicant's minimum competency in all fields of esthetics.

(D) Applicants for a natural hair stylist license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have received at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology. Except as provided in section 4713.09 of the Revised Code, an applicant shall pass an examination to qualify for a natural hair stylist's license.

(E) Applicants for a managing cosmetologist's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and have practiced as a cosmetologist in a licensed beauty salon in this or another state of the United States or the District of Columbia for at least one year, or have completed three hundred hours of board-approved curriculum additional in a licensed school of cosmetology in this state in subjects relative to advanced cosmetology, business management, and supervision. Certification of an applicant's completion of one year's experience shall be made to the board by the licensed managing cosmetologist or the owner of the licensed beauty salon in which the applicant has been employed, or certification of completion of the prescribed course of three hundred additional hours shall be made to the board by the school of cosmetology in this state. Upon either of the foregoing certifications and, except as provided in section 4713.09 of the

Revised Code, upon passage of an examination, the board shall issue a managing cosmetologist's license to the applicant.

~~(E)~~(F) Applicants for an initial cosmetology instructor's license shall be of good moral character, have the equivalent of an Ohio public school twelfth grade education, hold a current managing cosmetologist license issued pursuant to this chapter, and have practiced as a licensed cosmetologist in a beauty salon for at least twelve months, or have completed one thousand hours of cosmetology instructor training in a licensed school of cosmetology in this state as an apprentice instructor. On the date that an apprentice cosmetology instructor begins ~~his~~ cosmetology instructor training in a licensed school of cosmetology, the school shall certify the name of the apprentice cosmetology instructor to the board along with the date on which ~~his~~ the apprentice's instructor training began. No school shall have more than six apprentice cosmetology instructors at any one time. The apprentice cosmetology instructor shall be allowed the regular quota of students as prescribed by the board, with the provision that a cosmetology instructor is present. An apprentice cosmetology instructor may be compensated by the school. Certification that the applicant has completed one year or more of experience in a licensed beauty salon shall be made to the board by the licensed managing cosmetologist or the owner of the licensed beauty salon in which the applicant has been employed; or, certification shall be made to the board by the school of cosmetology, that the apprentice cosmetology instructor has completed one thousand hours of teacher training in a licensed school of cosmetology in this state. Upon any of the foregoing certifications and provided that the applicant holds a current managing cosmetologist's license issued pursuant to this chapter, the board shall issue a cosmetology instructor's license to the applicant.

~~(F)~~(G) Every person who completes a course in cosmetology given in a vocational program conducted by a city, exempted village, local, or joint vocational school district, is eligible to apply for a cosmetologist's or manicurist's license, provided ~~he~~ the person has completed the educational requirements of division (A) or (B) of this section. The board may adopt rules for the recognition of any credit to be given to the study of cosmetology in such vocational schools of this state.

~~(G)~~(H) The board shall issue to an applicant who has completed the requirements of this section and has not previously failed to pass an examination conducted by the board to determine ~~his~~ the applicant's fitness in the practice of cosmetology a temporary work permit upon the receipt of the application for examination as provided in section 4713.05 of the Revised Code. The temporary work permit authorizes the holder to engage

in the practice of cosmetology under the supervision of a licensed managing cosmetologist up to the date of the holding of the next meeting of the board for the examination of applicants for license. A temporary work permit is not renewable and no person is entitled to more than one such permit. The fee for the temporary work permit is five dollars.

~~(H)~~(I) Applicants for a managing manicurist's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and have practiced as a manicurist in a licensed nail salon, beauty salon, or barber shop in this or another state of the United States or the District of Columbia for at least one year, or have completed an additional one hundred hours of board-approved curriculum in a licensed school of cosmetology in this state in advanced subjects relative to manicuring the nails, application of artificial nails, business management, and supervision.

Certification of an applicant's completion of one year's experience shall be made to the state board of cosmetology by the licensed managing manicurist or the licensed managing cosmetologist, or the owner of the licensed nail salon, beauty salon, or barber shop in which the applicant has been employed, or certification of completion of the prescribed course of one hundred additional hours shall be made to the board by the school of cosmetology in this state. Upon either of the foregoing certifications, and except as provided in section 4713.09 of the Revised Code, upon passage of an examination, the board shall issue a managing manicurist's license to the applicant.

~~(I)~~(J) When determining the total hours of instruction received by any applicant for licensure under this section, the board shall not take into account more than eight hours of instruction per day nor instruction received more than five years prior to issuance of the initial license.

~~(J)~~(K) Applicants for a managing esthetician's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and have practiced esthetics as a cosmetologist or as an esthetician in this or another state of the United States or the District of Columbia for at least one year or have completed, in addition to the hours required for licensure as a cosmetologist or esthetician, at least one hundred fifty hours of management training in a licensed school of cosmetology in this state.

Certification to the board of either the completion of the one year of experience or the additional one hundred fifty hours of management training qualifies the applicant to take the examination for licensure as a managing esthetician. Upon satisfactory passage of the board's examination and payment of all applicable fees, the board shall issue the applicant a

managing esthetician's license.

~~(K)~~(L) Applicants for an initial license as an esthetics instructor shall be at least eighteen years of age, have the equivalent of an Ohio public school twelfth grade education, hold a current managing cosmetologist's or managing esthetician's license, and have at least one year of experience in the practice of cosmetology or esthetics as a managing cosmetologist or managing esthetician in a licensed salon or have five hundred hours of training as an assistant esthetics instructor.

~~(L)~~(M) Applicants for an initial license as a manicurist instructor shall be at least eighteen years of age, have the equivalent of an Ohio public school twelfth grade education, hold a current managing manicurist or managing cosmetologist license issued in this state, and have practiced as a licensed managing manicurist or managing cosmetologist in a salon for at least twelve months. In place of the salon experience, an applicant may substitute the completion, in addition to the hours required for licensure as a cosmetologist or manicurist, of three hundred hours of training in the practice of manicuring instruction in a licensed school of cosmetology in this state.

Sec. 4713.05. Every application for admission to examination, and every application for a license as a cosmetologist, a natural hair stylist, or in any branch of cosmetology, shall be in writing, on forms prepared and furnished by the state board of cosmetology. Such application shall be accompanied by the fee specified, and shall contain proof of the qualifications of the applicant for examination, or for license, and shall be verified by the oath of the applicant.

If, after application, the applicant fails to appear for ~~his~~ the applicant's examination, in order to be examined at a later date, the applicant may apply again as specified above and shall pay the re-examination fee.

Applicants failing to pass the examination may apply again as specified above and shall pay the re-examination fee.

Sec. 4713.06. (A) All examinations of applicants under sections 4713.01 to 4713.21 of the Revised Code shall meet all of the following conditions:

(1) Include both practical demonstrations and written or oral tests;

(2) Relate only to cosmetology, but not be confined to any special system or method;

(3) Be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the state board of cosmetology as to the applicant's skill in and knowledge if the practice of the occupation for which a license is sought.

(B)(1) Examinations for licenses as cosmetologists shall, in addition to

the requirements of division (A) of this section, include practical demonstrations and written or oral tests in sanitation and the use of mechanically and electrically operated apparatus as applicable to the practice of cosmetology.

(2) Examinations for a managing cosmetologist's license may be administered separately at the completion of the managing cosmetologist's training course, or may be combined with the examination for a cosmetologist's license where the applicant has completed a single eighteen hundred-hour combined cosmetologist and managing cosmetologist course. Applicants may apply for an examination for a managing cosmetologist's license following completion of one year of certified employment experience in a licensed beauty salon.

(3) Examinations for a managing manicurist's license may be administered separately at the completion of the managing manicurist's training course, or may be combined with the examination for a manicurist license when the applicant has completed a single three hundred-hour course combining the manicurist and managing manicurist training certified to the board by a licensed school of cosmetology in this state.

(4) In addition to the requirements of division (A) of this section, examinations for licenses as an esthetician shall include a practical demonstration and a written or oral test in sanitation and the ~~principals~~ PRINCIPLES of esthetics.

(5) Examinations for a license as a managing esthetician may be administered separately at the completion of the applicant's training as a managing esthetician or may be combined with the examination for the license as an esthetician when the applicant has completed a single course of study of at least seven hundred fifty hours combining esthetics and managing esthetics training in a licensed school of cosmetology in this state.

Sec. 4713.10. The state board of cosmetology shall charge and collect the following fees:

(A) For application to take the examination for a license to practice cosmetology, or any branch thereof, twenty-one dollars;

(B) For the re-examination of any applicant who has previously failed to pass the examination, fourteen dollars;

(C) For the issuance or renewal of a cosmetology, manicurist, or esthetics instructor's license, ~~twenty-five~~ thirty dollars;

(D) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's license, ~~twenty~~ thirty dollars;

(E) For the issuance or renewal of a cosmetology school license, two

hundred fifty dollars;

(F) For the inspection and issuance of a new beauty salon, nail salon, or esthetics salon or the change of name or ownership of a beauty salon, nail salon, or esthetics salon license, ~~fifty~~ sixty dollars;

(G) For the renewal of a beauty salon, nail salon, or esthetics salon license, ~~forty~~ fifty dollars;

(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, ~~twenty~~ thirty dollars;

(I) For the restoration of any lapsed license which may be restored pursuant to section 4713.11 of the Revised Code, and in addition to the payments required by that section, ~~twenty~~ thirty dollars;

(J) For the issuance of a license under section 4713.09 of the Revised Code, ~~fifty~~ sixty dollars;

(K) For the issuance of a duplicate of any license, ~~ten~~ fifteen dollars;

(L) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;

(M) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional twenty dollars.

Each applicant shall, in addition to the fees specified, furnish ~~his~~ the applicant's own models.

Sec. 4713.17. ~~The state board of cosmetology, pursuant to an adjudicatory hearing under~~ (A) In accordance with Chapter 119. of the Revised Code, the state board of cosmetology may ~~impose one or more of the following sanctions:~~ deny, revoke, or suspend a license or permit issued by the board or impose a fine of not more than one hundred dollars per violation~~. The sanctions may be imposed~~ for any of the following:

~~(A)~~(1) Failure of a person operating a nail salon, beauty salon, esthetics salon, tanning facility, or school of cosmetology to comply with the requirements of sections 4713.01 to 4713.25 of the Revised Code;

~~(B)~~(2) Failure to comply with the sanitary rules adopted by the board or by the department of health for the regulation of nail salons, beauty salons, esthetics salons, schools of cosmetology, or the practice of cosmetology;

~~(C)~~(3) Failure of a person operating a beauty salon or nail salon where massage services are provided under section 4713.14 of the Revised Code to ensure that the person providing the massage services complies with the sanitary rules adopted by the board or by the department of health for the regulation of salons;

~~(D)~~(4) Continued practice by a person knowingly having an infectious or contagious disease;

~~(E)~~(5) Habitual drunkenness or addiction to any habit-forming drug;

~~(F)~~(6) Willful false and fraudulent or deceptive advertising;

~~(G)~~(7) Falsification of any record or application required to be filed with the board;

(8) Failure to pay a fine or abide by a suspension order issued by the board.

~~A person who is alleged to have violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive his right to an adjudicatory hearing under Chapter 119. of the Revised Code.~~

(B) If a person fails to request a hearing within thirty days of the date the board, in accordance with section 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the person without holding an adjudication hearing.

Sec. 4713.20. (A) No person shall do any of the following:

(1) Conduct or operate a nail salon, beauty salon, esthetics salon, or school of cosmetology without a license;

(2) Practice cosmetology for pay, free, or otherwise, either as a cosmetologist, managing cosmetologist, cosmetology instructor, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, without a license;

(3) Practice natural hair styling for pay, free, or otherwise, without a license;

(4) Employ as a cosmetologist, managing cosmetologist, cosmetologist instructor, except as provided in division (C) of section 4713.15 of the Revised Code, manicurist, managing manicurist, manicurist instructor, esthetician, managing esthetician, or esthetics instructor, any person without a license;

~~(4)~~(5) Aid or abet any person:

(a) Violating sections 4713.01 to 4713.21 of the Revised Code;

(b) Obtaining a license fraudulently;

(c) Falsely pretending to be licensed;

(d) Violating any of the sanitary rules for the regulation of the practice of cosmetology.

~~(5)~~(6) Engage in the practice of massage in a beauty salon or nail salon for pay, free, or otherwise unless ~~he~~ the person holds a current, valid certificate issued by the state medical board pursuant to section 4731.15 of the Revised Code;

~~(6)~~(7) Engage in the advertisement or operation of a glamour

photography service unless properly licensed under this chapter by the state board of cosmetology.

(B) Sections 4713.01 to 4713.21 of the Revised Code do not prohibit any student in a licensed school of cosmetology in this state from engaging in that school, as a student, in work connected with any branch of cosmetology taught in the school.

Sec. 4717.03. (A) Members of the board of embalmers and funeral directors shall annually in July, or within thirty days after the senate's confirmation of the new members appointed in that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are embalmers and funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license.

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders.

In executing the board's orders, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state. The executive director may serve and execute any process issued by any court under this chapter.

(C) The board may employ clerical or technical staff who are not members of the board and who serve at the pleasure of the board to provide any clerical or technical assistance the board considers necessary. The board may employ necessary inspectors, who shall be licensed embalmers and funeral directors. Any inspector employed by the board may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state, for the purposes of inspecting the facility and premises; the license and registration of embalmers and funeral directors operating in the facility; and the license of the funeral home, embalming facility, or crematory. The inspector shall serve and execute any process issued by any court under this chapter, serve and execute any papers or process issued by the board or any officer or member of the board, and perform any other duties delegated by the board.

(D) The president of the board shall designate three of its members to serve on the crematory review board, which is hereby created, for such time as the president finds appropriate to carry out the provisions of this chapter. Those members of the crematory review board designated by the president to serve and three members designated by the cemetery dispute resolution commission shall designate, by a majority vote, one person who is experienced in the operation of a crematory facility and who is not affiliated with a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate. Members serving on the crematory review board shall not receive any additional compensation for serving on the board, but may be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the board. Members of the crematory review board shall designate one from among its members to serve as a chairperson for such time as the board finds appropriate. Costs associated with conducting an adjudicatory hearing in accordance with division (E) of this section shall be paid from funds available to the board of embalmers and funeral directors.

(E) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (H) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter, or section ~~1107.33~~ 1111.19 of the Revised Code, governing or in connection with crematory facilities or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory facility or cremation.

Nothing in division (E) of this section precludes the crematory review

board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (E) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of its proceedings, to the board of embalmers and funeral directors. The board of embalmers and funeral directors shall serve a copy of the written report of the crematory review board's findings and advisory recommendations on the party to the adjudication or the party's attorney, by certified mail, within five days after receiving the report and advisory recommendations. A party may file objections to the written report with the board of embalmers and funeral directors within ten days after receiving the report. No written report is final or appealable until it is issued as a final order by the board of embalmers and funeral directors and entered on the record of the proceedings. The board of embalmers and funeral directors shall consider objections filed by the party prior to issuing a final order. After reviewing the findings and advisory recommendations of the crematory review board, the written transcript of the crematory review board's proceedings, and any objections filed by a party, the board of embalmers and funeral directors shall issue a final order in the matter. Any party may appeal the final order issued by the board of embalmers and funeral directors in a matter described in divisions (E)(1) to (4) of this section in accordance with section 119.12 of the Revised Code, except that the appeal may be made to the court of common pleas in the county in which is located the crematory facility to which the final order pertains, or in the county in which the party resides.

(F) On its own initiative or on receiving a written complaint from any person whose identity is made known to the board of embalmers and funeral directors, the board shall investigate the acts or practices of any person holding or claiming to hold a license or registration under this chapter that, if proven to have occurred, would violate this chapter or any rules adopted under it, or section ~~1107.33~~ 1111.19 of the Revised Code. The board may compel witnesses by subpoena to appear and testify in relation to investigations conducted under this chapter and may require by subpoena duces tecum the production of any book, paper, or document pertaining to an investigation. If a person does not comply with a subpoena or subpoena duces tecum, the board may apply to the court of common pleas of any county in this state for an order compelling the person to comply with the subpoena or subpoena duces tecum, or for failure to do so, to be held in contempt of court.

(G) If, as a result of its investigation conducted under division (F) of

this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter, or section ~~1107.33~~ 1111.19 of the Revised Code, governing or in connection with embalming, funeral directing, funeral homes, embalming facilities, or the operation of funeral homes or embalming facilities, it may, after providing the opportunity for an adjudicatory hearing, issue an order directing the person to cease the acts or practices that constitute the violation. The board shall conduct the adjudicatory hearing in accordance with Chapter 119. of the Revised Code except that, notwithstanding the provisions of that chapter, the following shall apply:

(1) The board shall send the notice informing the person of the person's right to a hearing by certified mail.

(2) The person is entitled to a hearing only if the person requests a hearing and if the board receives the request within thirty days after the mailing of the notice described in division (G)(1) of this section.

(3) A stenographic record shall be taken, in the manner prescribed in section 119.09 of the Revised Code, at every adjudicatory hearing held under this section, regardless of whether the record may be the basis of an appeal to a court.

(H) If, as a result of its investigation conducted under division (F) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter, or section ~~1107.33~~ 1111.19 of the Revised Code, governing or in connection with crematory facilities or cremation, the board shall send written notice of the alleged violation to the crematory review board. If, after the conclusion of the adjudicatory hearing in the matter conducted under division (E) of this section, the board of embalmers and funeral directors finds that a person is in violation of any provision of this chapter or any rules adopted under this chapter, or section ~~1107.33~~ 1111.19 of the Revised Code, governing or in connection with crematory facilities or cremation, the board may issue a final order under that division directing the person to cease the acts or practices that constitute the violation.

(I) The board of embalmers and funeral directors may bring a civil action to enjoin any violation or threatened violation of section ~~1107.33~~ 1111.19; sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to

(C) of section 4717.28 of the Revised Code. The action shall be brought in the county where the violation occurred or the threatened violation is expected to occur. At the request of the board, the attorney general shall represent the board in any matter arising under this chapter.

(J) The board of embalmers and funeral directors and the crematory review board may issue subpoenas for funeral directors and embalmers or persons holding themselves out as such, for operators of crematory facilities or persons holding themselves out as such, or for any other person whose testimony, in the opinion of either board, is necessary. The subpoena shall require the person to appear before the appropriate board or any designated member of either board, upon any hearing conducted under this chapter. The penalty for disobedience to the command of such a subpoena is the same as for refusal to answer such a process issued under authority of the court of common pleas.

(K) All moneys received by the board of embalmers and funeral directors from any source shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

(L) The board of embalmers and funeral directors shall submit a written report to the governor on or before the first Monday of July of each year. This report shall contain a detailed statement of the nature and amount of the board's receipts and the amount and manner of its expenditures.

Sec. 4717.05. (A) Any person who desires to be licensed as an embalmer shall apply to the board of embalmers and funeral directors on a form provided by the board. The applicant shall include with the application an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:

(1) The applicant is at least eighteen years of age and of good moral character.

(2) If the applicant has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, probation,

ole, or treatment in connection with the offense.

(3) The applicant holds at least a bachelor's degree ~~or its equivalent~~ from a college or university authorized to confer degrees by the Ohio board of regents or the comparable legal agency of another state in which the college or university is located and submits an official transcript from that college or university with the application.

(4) The applicant has satisfactorily completed at least twelve months of instruction in a prescribed course in mortuary science as approved by the board~~;~~ and has presented to the board a certificate showing successful completion of the course. The course of mortuary science college training may be completed either before or after the completion of the educational standard set forth in division (A)(3) of this section.

(5) The applicant has registered with the board prior to beginning an embalmer apprenticeship.

(6) The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has assisted that person in embalming at least twenty-five dead human bodies.

(7) The applicant, upon meeting the educational standards provided for in divisions (A)(3) and (4) of this section and completing the apprenticeship required in division (A)(6) of this section, has completed the examination for an embalmer's license required by the board.

(B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license.

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form provided by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:

(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A)(1) to (4) of this section.

(2) The applicant has registered with the board prior to beginning a funeral director apprenticeship.

(3) The applicant, following mortuary science college training described in division (A)(4) of this section, has served a one-year apprenticeship under a licensed funeral director in this state and has assisted that person in directing at least twenty-five funerals.

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board.

(D) In lieu of mortuary science college training required for a funeral director's license under division (C)(1) of this section, the applicant may substitute a two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals.

(E) Upon receiving satisfactory evidence that the applicant meets all the requirements of division (C) of this section, the board shall issue to the applicant a funeral director's license.

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the issuance of an initial embalmer's or funeral director's license, five dollars;

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;

(5) For the renewal of an embalmer's or funeral director's license, ~~thirty~~ sixty dollars;

(6) For the issuance and renewal of a license to operate a funeral home, one hundred twenty-five dollars;

(7) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(8) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(9) For the issuance and renewal of a license to operate an embalming facility, one hundred dollars;

(10) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(11) For the issuance and renewal of a license to operate a crematory facility, one hundred dollars;

(12) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus

fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(13) For the issuance of a duplicate of a license issued under this chapter, four dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

Sec. 4717.13. (A) No person shall do any of the following:

(1) Engage in the business or profession of funeral directing unless the person is licensed as a funeral director under this chapter, is certified as an apprentice funeral director in accordance with rules adopted under section 4717.04 of the Revised Code and is assisting a funeral director licensed under this chapter, or is a student in a college of mortuary sciences approved by the board and is under the direct supervision of a funeral director licensed by the board;

(2) Engage in embalming unless the person is licensed as an embalmer under this chapter, is certified as an apprentice embalmer in accordance with rules adopted under section 4717.04 of the Revised Code and is assisting an embalmer licensed under this chapter, or is a student in a college of mortuary science approved by the board and is under the direct supervision of an embalmer licensed by the board;

(3) Advertise or otherwise offer to provide or convey the impression that the person provides funeral directing services unless the person is licensed as a funeral director under this chapter and is employed by or under contract to a licensed funeral home and performs funeral directing services for that funeral home in a manner consistent with the advertisement, offering, or conveyance;

(4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent with the advertisement, offering, or conveyance;

(5) Operate a funeral home without a license to operate the funeral home issued by the board under this chapter;

(6) Practice the business or profession of funeral directing from any

place except from a funeral home that a person is licensed to operate under this chapter;

(7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter;

(8) Operate a crematory or perform cremation without a license to operate the crematory issued under this chapter;

(9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated.

(B) No funeral director or other person in charge of the final disposition of a dead human body shall fail to do one of the following prior to the interment of the body:

(1) Affix to the ankle or wrist of the deceased a tag encased in a durable and long-lasting material that contains the name, date of birth, date of death, and social security number of the deceased;

(2) Place in the casket a capsule containing a tag bearing the information described in division (B)(1) of this section;

(3) If the body was cremated, place in the vessel containing the cremated remains a tag bearing the information described in division (B)(1) of this section.

(C) No person who holds a funeral home license for a funeral home that is closed, or that is owned by a funeral business in which changes in the ownership of the funeral business result in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership, shall fail to submit to the board within thirty days after the closing or such a change in ownership of the funeral business owning the funeral home, a clearly enumerated account of all of the following from which the licensee, at the time of the closing or change in ownership of the funeral business and in connection with the funeral home, was to receive payment for providing funeral services, funeral goods, or any combination of those in connection with the funeral or final disposition of a dead human body:

(1) Preneed funeral contracts governed by section ~~1107.33~~ 1111.19 of the Revised Code;

(2) Life insurance policies the benefits of which are payable to the provider of funeral or burial goods or services;

(3) Accounts at banks or savings banks insured by the federal deposit insurance corporation, savings and loan associations insured by the federal savings and loan insurance corporation or the Ohio deposit guarantee fund,

or credit unions insured by the national credit union administration or a credit union share guaranty corporation organized under Chapter 1761. of the Revised Code that are payable upon the death of the person for whose benefit deposits into the accounts were made.

Sec. 4723.06. (A) The board of nursing shall:

(1) Administer and enforce the provisions of this chapter, including the taking of disciplinary action for violations of section 4723.28 of the Revised Code, any other provisions of this chapter, or rules promulgated under Chapter 119. of the Revised Code;

(2) Examine applicants for licensure to practice as a registered nurse or as a licensed practical nurse;

(3) Issue and renew licenses as provided in this chapter;

(4) Define the minimum curricula and standards for educational programs of the schools of professional nursing and schools of practical nursing in this state;

(5) Survey, inspect, and grant full approval to prelicensure nursing education programs that meet the standards established by rules adopted under section 4723.07 of the Revised Code. Prelicensure nursing education programs include, but are not limited to, associate degree, baccalaureate degree, diploma, and doctor of nursing programs leading to initial licensure to practice nursing as a registered nurse and practical nurse programs leading to initial licensure to practice nursing as a licensed practical nurse.

(6) Grant conditional approval, by a vote of a quorum of the board, to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate, if the program meets and maintains the minimum standards of the board established by rules adopted under section 4723.07 of the Revised Code. If the board does not grant conditional approval, it shall hold a hearing under Chapter 119. of the Revised Code to consider conditional approval of the program. If the board grants conditional approval, at its first meeting after the first class has completed the program, the board shall determine whether to grant full approval to the program. If the board does not grant full approval or if it appears that the program has failed to meet and maintain standards established by rules adopted under section 4723.07 of the Revised Code, the board shall hold a hearing under Chapter 119. of the Revised Code to consider the program. Based on results of the hearing, the board may continue or withdraw conditional approval, or grant full approval.

(7) Place on provisional approval, for a period of time specified by the board, a program that has ceased to meet and maintain the minimum standards of the board established by rules adopted under section 4723.07 of

the Revised Code. At the end of the period, the board shall reconsider whether the program meets the standards and shall grant full approval if it does. If it does not, the board may withdraw approval, pursuant to a hearing under Chapter 119. of the Revised Code.

(8) Approve continuing nursing education programs and courses under standards established in rules adopted under section 4723.07 of the Revised Code;

(9) Approve peer support programs for nurses under rules adopted under section 4723.07 of the Revised Code;

(10) Establish the alternative program for chemically dependent nurses in accordance with section 4723.35 of the Revised Code;

(11) Establish the practice intervention and improvement program in accordance with section 4723.282 of the Revised Code;

(12) Issue and renew certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

~~(12)~~(13) Approve under section 4723.46 of the Revised Code national certifying organizations for examination and certification of certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;

~~(13)~~(14) Make an annual report to the governor, which shall be open for public inspection;

~~(14)~~(15) Maintain and have open for public inspection the following records:

(a) A record of all its meetings and proceedings;

(b) A file of applicants for and holders of licenses, registrations, and certificates granted under this chapter. The file shall be maintained in the form prescribed by rule of the board.

(c) A list of prelicensure nursing education programs approved by the board;

(d) A list of approved peer support programs for nurses.

(B) The board may fulfill the requirement of division (A)(8) of this section by authorizing persons who meet the standards established in rules adopted under division (F) of section 4723.07 of the Revised Code to approve continuing nursing education programs and courses. Persons so authorized shall approve continuing nursing education programs and courses in accordance with standards established in rules adopted under division (E) of section 4723.07 of the Revised Code.

Persons seeking authorization to approve continuing nursing education programs and courses shall apply to the board and pay the appropriate fee

established under section 4723.08 of the Revised Code. Authorizations to approve continuing nursing education programs and courses shall expire at the end of the two-year period beginning the date of issuance and may be renewed by the board.

Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;

(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;

(4) For verification of a license or certificate to another jurisdiction, fifteen dollars;

(5) For providing a replacement copy of a license or certificate, fifteen dollars;

(6) For biennial renewal of any license, thirty-five dollars;

(7) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;

(8) For processing a late application for renewal of any license or certificate, fifty dollars;

(9) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;

(10) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;

(11) For ~~biennial renewal of~~ each year for which authorization to approve continuing nursing education programs and courses is renewed, ~~three~~ one hundred fifty dollars;

(12) For written verification of a license or certificate, other than verification to another jurisdiction, five dollars. The board may contract for services pertaining to this verification process and the collection of the fee, and may permit the contractor to retain a portion of the fees as compensation, before any amounts are deposited into the state treasury.

(B) Each quarter, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number

times five dollars.

Sec. 4723.28. As used in this section, "dangerous drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(A) The board of nursing, pursuant to an adjudication conducted under Chapter 119. of the Revised Code and by a vote of a quorum, may revoke or may refuse to grant a license or certificate to a person found by the board to have committed fraud in passing the examination or to have committed fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board.

(B) The board of nursing, pursuant to an adjudication conducted under Chapter 119. of the Revised Code and by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke permanently, suspend, or place restrictions on any license or certificate issued by the board; reprimand or otherwise discipline a holder of a license or certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of a license to practice nursing, for any reason other than a failure to renew, in another state or jurisdiction; or denial, revocation, suspension, or restriction of a license to practice a health care occupation other than nursing, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing, having failed to renew a license issued under this chapter, or while a license is under suspension;

(3) Conviction of, a plea of guilty to, or a judicial finding of guilt of a misdemeanor committed in the course of practice;

(4) Conviction of, a plea of guilty to, or a judicial finding of guilt of any felony or of any crime involving gross immorality or moral turpitude;

(5) Selling, giving away, or administering drugs for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, or a judicial finding of guilt of violating any municipal, state, county, or federal drug law;

(6) Conviction of, a plea of guilty to, or a judicial finding of guilt of an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;

(7) Conviction of, a plea of guilty to, or a judicial finding of guilt of an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

(8) Self-administering or otherwise taking into the body any dangerous drug in any way not in accordance with a legal, valid prescription;

(9) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs ability to practice;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice;

(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of a physical or mental disability;

(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

(13) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;

(14) Adjudication by a probate court that the license applicant or license holder is mentally ill or mentally incompetent. The board may restore the license upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.

(15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;

(16) Violation of this chapter or any rules adopted under it;

(17) Violation of any restrictions placed on a license by the board;

(18) Failure to use universal blood and body fluid precautions established by rules adopted under section 4723.07 of the Revised Code;

(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care;

(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse under section 4723.02 of the Revised Code;

(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse under section 4723.02 of the Revised Code;

(22) Aiding and abetting in the unlicensed practice of nursing;

(23) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, or a registered nurse approved as an advanced practice nurse under section 4723.55 of the Revised Code, either of the following:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract,

or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.

(24) Failure to comply with the terms and conditions of participation in the alternative program for chemically dependent nurses created by section 4723.35 of the Revised Code;

(25) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;

(26) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:

(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.

~~(26)~~(27) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement.

(C) If a criminal action is brought against a license holder for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall hold an adjudication hearing to determine whether the license holder committed the act on which the action was based. If the board determines on the basis of the hearing that the license holder committed the act, or if the license holder fails to participate in the hearing, the board may take action as though the license holder had been convicted of the act.

If the board takes action on the basis of a conviction, plea of guilty, or a judicial determination of guilt as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the license holder may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall hold an adjudicatory hearing to determine whether the license

holder committed the act on which the original conviction, plea, or judicial determination was based. If the board determines on the basis of the hearing that the license holder committed such act, or if the license holder does not request a hearing, the board shall reinstate its action; otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case shall be deemed not to have occurred, sealing of the records of a conviction on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section.

(D) In enforcing division (B) of this section, the board may compel any individual licensed by this chapter or who has applied for licensure to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed licensure to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can resume the individual's occupation in compliance with acceptable and prevailing standards under the provisions of the individual's license. For the purpose of this section, any individual who is licensed by this chapter or makes application for licensure shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(E) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

Information received by the board pursuant to an investigation is

confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities investigating a person licensed by the board. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of an adjudication by a court or licensing or registration board or officer to which the person to whom the information relates is a party.

If the investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code.

The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code. The board may appoint a hearing examiner as provided in section 119.09 to conduct any hearing the board is empowered to hold under Chapter 119. of the Revised Code.

In the absence of fraud or bad faith, neither the board nor any current or former members, agents, representatives, or employees of the board shall be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to their official duties undertaken or performed pursuant to this chapter. If a current or former member, agent, representative, or employee requests the state to defend the individual against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the individual's official duties, if the request is made in writing at a reasonable time before trial, and if the individual requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for such defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay that part of a claim or judgment that is for punitive or exemplary damages.

(F) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the person may be reinstated to practice.

(G) No unilateral surrender of a license issued under this chapter shall be effective unless accepted by majority vote of the board. No application for a license issued under this chapter may be withdrawn without a majority vote of the board.

(H) Notwithstanding division (B)(23) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. The consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4723.282. (A) As used in this section, "practice deficiency" means any activity that does not meet acceptable and prevailing standards of safe and effective nursing care.

(B) The board of nursing may abstain from taking disciplinary action under section 4723.28 of the Revised Code against the holder of a license or certificate issued under this chapter who has a practice deficiency that has been identified by the board through an investigation conducted under section 4723.28 of the Revised Code. The board may abstain from taking action only if the board has reason to believe that the individual's practice deficiency can be corrected through remediation, and if the individual enters into an agreement with the board to seek remediation as prescribed by the board, complies with the terms and conditions of the remediation, and successfully completes the remediation. If an individual fails to complete the remediation or the board determines that remediation cannot correct the individual's practice deficiency, the board shall proceed with disciplinary action in accordance with section 4723.28 of the Revised Code.

(C) To implement its authority under this section to abstain from taking disciplinary action, the board shall establish a practice intervention and improvement program. The board shall designate an administrator to operate the program and, in accordance with Chapter 119. of the Revised Code, adopt rules for the program that establish the following:

(1) Criteria for use in identifying an individual's practice deficiency;

(2) Requirements that an individual must meet to be eligible for remediation and the board's abstention from disciplinary action;

(3) Standards and procedures for prescribing remediation that is appropriate for an individual's identified practice deficiency;

(4) Terms and conditions that an individual must meet to be successful in completing the remediation prescribed;

(5) Procedures for the board's monitoring of the individual's remediation;

(6) Procedures for maintaining confidential records regarding individuals who participate in remediation;

(7) Any other requirements or procedures necessary to develop and administer the program.

(D) All records held by the board for purposes of the program shall be confidential, are not public records for purposes of section 149.43 of the Revised Code, and are not subject to discovery by subpoena or admissible as evidence in any judicial proceeding. The administrator of the program shall maintain all records in the board's office in accordance with the board's record retention schedule.

(E) When an individual begins the remediation prescribed by the board, the individual shall sign a waiver permitting any entity that provides services related to the remediation to release to the board information regarding the individual's progress. An entity that provides services related to remediation shall report to the board if the individual fails to complete the remediation.

In the absence of fraud or bad faith, an entity that reports to the board regarding an individual's practice deficiency, or progress or lack of progress in remediation, is not liable in damages to any person as a result of making the report.

(F) An individual participating in remediation prescribed under this section is responsible for all financial obligations that may arise from obtaining or completing the remediation.

Sec. 4725.16. (A) Each certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate issued by the state board of optometry shall expire annually on the last day of December, and may be renewed in accordance with this section and the standard renewal procedure established under Chapter 4745. of the Revised Code.

(B) All licensed optometrists shall annually complete continuing education in subjects relating to the practice of optometry, to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure comprehensive care to the public. The board shall prescribe by rule the continuing optometric education that licensed optometrists must complete. The length of study shall be determined by the board but shall be not less than six nor more than twenty-five clock hours each year, except that the board shall prescribe an additional five clock hours of instruction in pharmacology to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates.

Unless the continuing education required under this division is waived or deferred under division (D) of this section, the continuing education must

be completed during the twelve-month period beginning on the first day of October and ending on the last day of September. If the board receives notice from a continuing education program indicating that an optometrist completed the program after the last day of September, and the optometrist wants to use the continuing education completed after that day to renew the license that expires on the last day of December of that year, the optometrist shall pay the penalty specified under section 4725.34 of the Revised Code for late completion of continuing education.

At least once annually, the board shall mail to each licensed optometrist a list of courses approved in accordance with standards prescribed by board rule. Upon the request of a licensed optometrist, the executive director of the board shall supply a list of additional courses that the board has approved subsequent to the most recent mailing of the list of approved courses.

(C) Annually, by the first day of November, the board shall mail to each licensed optometrist a notice regarding license renewal and an application for license renewal. The application shall be in such form and require such pertinent professional biographical data as the board may require. Filing of the application with the board shall serve as notice by the optometrist that the continuing optometric education requirement has been successfully completed.

If the board finds that the optometrist has not completed the required continuing optometric education, the board shall disapprove the optometrist's application. All other applications shall be approved. The board shall refuse to accept an application for renewal from any applicant whose license is not in good standing or who is under disciplinary review pursuant to section 4725.19 of the Revised Code.

The board's order of disapproval for renewal shall be effective without a hearing unless a hearing is requested pursuant to Chapter 119. of the Revised Code. Notice of the applicant's failure to qualify for renewal shall be served upon the applicant by mail, which shall be sent on or before the fifteenth day of November to the address shown in the board's records.

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving in the armed forces of the United States or who has received an initial certificate of licensure during the nine-month period which ended on

the last day of September.

(E) An optometrist who desires to continue the practice of optometry and whose application for license renewal has been approved by the board may renew each certificate held by paying the fees for renewal specified under section 4725.34 of the Revised Code. The optometrist shall pay the fees on or before the first day of January to the treasurer of state. On payment of the renewal fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) A notice shall be sent to every licensed optometrist who fails to respond to the notice provided under division (C) of this section, at the optometrist's last address, at least one month in advance of the date of expiration. A second notice shall be sent in advance of the date of expiration and prior to any action under division (G) of this section to classify the optometrist's certificates as delinquent, to every optometrist failing to respond to the preceding notice.

(G)(1) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the last day of December of each year, shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state. The certificates issued by the board to the individual shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

(b) Pay ~~all delinquent annual~~ the renewal fees for the year in which application for reinstatement is made and the ~~penalty for~~ reinstatement fee specified under division (A)(7) of section 4725.34 of the Revised Code;

(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

(3) The board shall approve an application for reinstatement if the conditions specified in division (G)(2) of this section are met. An

ist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.

Sec. 4725.17. (A) An optometrist who intends not to continue practicing optometry in this state due to retirement or a decision to practice in another state or country may apply to the state board of optometry to have the certificates issued to the optometrist placed on inactive status. Application for inactive status shall consist of a written notice to the board of the optometrist's intention to no longer practice in this state. The board may not accept an application submitted after the applicant's certificate of licensure and any other certificates have expired. The board may approve an application for placement on inactive status only if the applicant's certificates are in good standing and the applicant is not under disciplinary review pursuant to section 4725.19 of the Revised Code.

(B) An individual whose certificates have been placed on inactive status may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(1) Pay the renewal fees for ~~that~~ the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

(2) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(3) If the applicant has been practicing optometry in another state or country, submit evidence of being in the active practice of optometry in the other state or country and evidence that the applicant's license to practice in the other state or country is in good standing.

(C) The board shall approve an application for reinstatement if the conditions specified in division (B) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under section 4725.16 of the Revised Code for the year in which reinstatement occurs.

Sec. 4729.54. (A) As used in this section:

(1) "Category I" means single-dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single-dose

injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.

(2) "Category II" means any dangerous drug that is not included in category I or III.

(3) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.

(4) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(5) "Person" includes an emergency medical service organization.

(6) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended.

(B) A person who desires to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the board of pharmacy a verified application that contains the following:

(1) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(2) A statement that the person wishes to be licensed as a category I, category II, category III, limited category I, limited category II, or limited category III terminal distributor of dangerous drugs;

(3) If the person wishes to be licensed as a limited category I, limited category II, or limited category III terminal distributor of dangerous drugs, a notarized list of the dangerous drugs that the person wishes to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;

(4) If the person is an emergency medical service organization, the information that is specified in division (C)(1) of this section;

(5) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption.

(C)(1) An emergency medical service organization that wishes to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category I, II, or III.

(2) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.

(3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:

(1) A notarized copy of its standing orders or protocol, which orders or protocol shall be signed by a physician and specify the dangerous drugs that its units may carry, expressed in standard dose units;

(2) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

An emergency medical service organization that is licensed as a terminal distributor shall notify the board immediately of any changes in its standing orders or protocol.

(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:

(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.

(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.

(3) Category II license. A person who obtains this license may possess,

have custody or control of, and distribute only the dangerous drugs described in category I and category II.

(4) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I or category II that were listed in the application for licensure.

(5) Category III license. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category I, category II, and category III.

(6) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I, category II, or category III that were listed in the application for licensure.

(F) Except for an application made on behalf of an animal shelter, if an applicant for licensure as a limited category I, II, or III terminal distributor of dangerous drugs intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a notarized copy of its protocol or standing orders, which protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state. An application made on behalf of an animal shelter shall include a notarized list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code. After obtaining a terminal distributor license, a licensee shall notify the board immediately of any changes in its protocol or standing orders, or in such personnel.

(G)(1) Except as provided in division (G)(2) of this ~~seciton~~ section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee determined as follows:

(a) For a category I or limited category I license, forty-five dollars;

(b) For a category II or limited category II license, one hundred twelve dollars and fifty cents;

(c) For a category III or limited category III license, one hundred fifty dollars.

(2) For a professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine, the fee shall be ~~five~~ forty dollars.

Fees assessed under divisions (G)(1) and (2) of this section shall not be returned if the applicant fails to qualify for registration.

(H)(1) The board shall issue a terminal distributor of dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is described in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of January of each year. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code. A person who desires to renew a license shall submit an application for renewal and pay the required fee on or before the thirty-first day of December each year. The fee required for the renewal of a license shall be the same as the fee paid for the license being renewed, and shall accompany the application for renewal.

A license that has not been renewed during December in any year and by the first day of February of the following year may be reinstated only

upon payment of the required renewal fee and a penalty fee of fifty-five dollars.

(J)(1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C)(2) or (3) of this section.

(2) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (D) of this section.

(3) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have custody or control of, or distribute by virtue of its category of licensure.

(4) No licensee that is required by division (F) of this section to notify the board of changes in its protocol or standing orders, or in personnel, shall fail to comply with that division.

Sec. 4730.11. If the state medical board determines under section 4730.10 of the Revised Code that an applicant meets the requirements for a certificate of registration as a physician assistant, the secretary of the board shall register the applicant as a physician assistant and issue to the applicant a certificate of registration as a physician assistant. The certificate shall expire biennially and may be renewed in accordance with section 4730.12 of the Revised Code.

Upon application by the holder of a certificate of registration, the board shall issue a duplicate certificate to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate certificate shall be thirty-five dollars.

Sec. 4731.281. (A) On or before the deadline established under division (B) of this section for applying for renewal of a certificate of registration, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry shall certify to the state medical board that in the preceding two years the person has completed one hundred hours of continuing medical education. The certification shall be made upon the application for biennial registration submitted pursuant to division (B) of this section. The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education required for persons who are in their first registration period, who have a registration period of less than two years due to initial implementation of the staggered renewal schedule established under division (B) of this section, who have been disabled due to illness or accident, or who have been absent from the country.

In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all continuing medical education taken by persons holding a certificate to practice medicine and surgery that is certified by the Ohio state medical association, all continuing medical education taken by persons holding a certificate to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association, and all continuing medical education taken by persons holding a certificate to practice podiatry that is certified by the Ohio podiatric medical association. Each person holding a certificate to practice under this chapter shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.

(B)(1) Every person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry wishing to renew that certificate shall apply to the board for a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a fee of ~~two~~ three hundred ~~seventy-five~~ five dollars, according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" through "R," on

or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that, until July 30, 2001, the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.

(2) The board shall mail or cause to be mailed to every person registered to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, an application for registration addressed to the person's last known post-office address or may cause the application to be sent to the person through the secretary of any recognized medical, osteopathic, or podiatric society, according to the following schedule:

(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;

(h) To persons whose last name begins with the letters "T" through "Z,"

on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.

Failure of any person to receive an application from the board shall not excuse the person from the requirements contained in this section. The application shall contain proper spaces for the applicant's signature and the insertion of the required information, including a statement that the person has fulfilled the continuing education requirements imposed by this section.

The applicant shall write or cause to be written upon the application so furnished the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other facts for the identification of the applicant as a person holding a certificate to practice under this chapter as the board considers necessary. The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.02 of the Revised Code. The applicant shall execute and deliver the application to the board by mail or in person. Every person registered under this section shall give written notice to the board of any change of principal practice address or residence address or in the list within thirty days of the change.

The applicant shall report any criminal offense that constitutes grounds for refusal of registration under section 4731.22 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for treatment in lieu of conviction, since last signing an application for a certificate of registration.

(C) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, upon application and qualification therefor in accordance with this section, a certificate of registration under the seal of the board. A certificate of registration shall be valid for a two-year period, commencing on the first day of the third month after the registration fee is due and expiring on the last day of the month two years thereafter.

The board shall publish and cause to be mailed to each person registered under this section, upon request, a printed list of the persons so registered.

(D) Failure of any certificate holder to register and comply with this section shall operate automatically to suspend the holder's certificate to practice. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code. Subject to section 4731.222 of the Revised

Code, the board shall reinstate a certificate to practice for failure to register upon an applicant's submission of the biennial registration fee, the applicable monetary penalty, and certification by signature of the applicant that the applicant has completed the requisite continuing medical education. The penalty for reinstatement shall be fifty dollars if the certificate has been suspended for two years or less and one hundred dollars if the certificate has been suspended for more than two years. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code.

(E) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.

A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

(F) The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

Sec. 4732.05. The members of the state board of psychology and the members of the school psychology examination committee shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties, and their necessary expenses while engaged therein.

Sec. 4732.14. On or before the thirty-first day of August of each even-numbered year, each person licensed by the state board of psychology shall register with the board on a form prescribed by the board, giving ~~his~~ the person's name, address, license number, the continuing education information required by section 4732.141 of the Revised Code, and such other reasonable information as the board requires, and pay to the board secretary a biennial registration fee in an amount determined by the board, but not to exceed two hundred seventy-five dollars in fiscal year 2000 and three hundred fifty dollars in each fiscal year thereafter. A person licensed

for the first time on or before the thirty-first day of August of an even-numbered year shall next be required to register on or before the thirty-first day of August of the next even-numbered year.

Before the first day of August of each even-numbered year, the secretary shall send a notice to each licensed psychologist and licensed school psychologist, whether a resident or not, at the licensed psychologist's or licensed school psychologist's last known address, that the licensed psychologist's or licensed school psychologist's biennial registration form and fee are due on or before the last day of August. Before the fifteenth day of September of such years, the secretary shall send a second notice to each such person who has not paid the registration fee or registered with the board as required by this section. A license of any licensed psychologist or licensed school psychologist shall automatically be suspended if the biennial registration fee is not paid or the registration form is not received on or before the thirtieth day of September of a renewal year. Within five years thereafter, the board may reinstate any license so suspended upon payment of the current registration fee and a penalty not to exceed fifty dollars, as determined by the board, and receipt of the registration form completed by the registrant in accordance with this section and section 4732.141 of the Revised Code or in accordance with any modifications authorized by the board under division (F) of section 4732.141 of the Revised Code. The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by section 4732.141 of the Revised Code by a licensed psychologist or licensed school psychologist when the licensed psychologist or licensed school psychologist is on active duty in the armed forces of the United States.

Each licensed psychologist and licensed school psychologist shall notify the secretary of any change in the licensed psychologist's or licensed school psychologist's office address or employment within ninety days of such change.

Sec. 4735.06. (A) Application for a license as a real estate broker shall be made in writing to the superintendent of real estate on ~~blanks~~ forms furnished by the superintendent and filed with the superintendent and shall be ~~sworn to~~ signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

The application shall be accompanied by a recent photograph of the applicant and the names of three resident freeholders of the county in which

the applicant resides or has ~~his~~ the applicant's place of business. If the applicant has resided, or has engaged in the real estate business, for less than one year in the county from which the application is made, the application shall be accompanied by a recent photograph of the applicant and the names of three resident freeholders of each of the counties where ~~he~~ the applicant formerly resided or engaged in the real estate business during the period of one year prior to the filing of the application. No one of the freeholders shall be related to the applicant, and one of them shall be the applicant's most recent broker. If the applicant's most recent broker is a relative of the applicant or is not a freeholder, the name of a third freeholder shall be furnished. The freeholders shall furnish information to the superintendent, on forms prescribed by the superintendent, concerning the character of the applicant. If the applicant maintains more than one place of business within the state, ~~he~~ the applicant shall apply for and procure a duplicate license for each branch office so maintained by ~~him~~ the applicant. Each branch office shall be in the charge of a licensed broker or ~~salesman~~ salesperson.

If the applicant is a partnership or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated. The superintendent has the right to reject the application of any partnership, association, or corporation if the name proposed to be used by such partnership, association, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, or corporation licensed under this chapter, unless there is filed with ~~such~~ the application the written consent of such existing partnership, association, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, or corporation.

(B) A fee of sixty-nine dollars shall accompany the application for a real estate broker's license, which fee shall include the license if it is issued. The application fee shall be retained by the superintendent if the applicant is admitted to the examination for the license or the examination requirement is waived, but, if an applicant is not so admitted and a waiver is not involved, one-half of the fee shall be retained by the superintendent to cover the expenses of processing the application and the other one-half shall be returned to the applicant. A fee of sixty-nine dollars shall be charged by the superintendent for each successive application made by an applicant.

(C) Four dollars of each fee for a real estate broker's license shall be credited to the real estate education and research fund, which is hereby created in the state treasury. The Ohio real estate commission may use the

fund in discharging the duties prescribed in divisions (E), (F), and (G) of section 4735.03 of the Revised Code and shall use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting with any such institution for a particular research or educational project in the field of real estate, or in advancing loans, not exceeding eight hundred dollars, to applicants for ~~salesman~~ salesperson licenses, to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. Such loans shall be made according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and they shall be repaid to the fund within three years of the time they are made. No more than ten thousand dollars shall be lent from the fund in any one year.

The governor may appoint a representative from the executive branch to be a member ex officio of the commission for the purpose of advising on research requests or educational projects. The commission shall report to the general assembly on the third Tuesday after the third Monday in January of each year setting forth the total amount contained in the fund and the amount of each research grant that it has authorized and the amount of each research grant requested. A copy of all research reports shall be submitted to the state library of Ohio and the library of the legislative service commission.

(D) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination, pursuant to division (A) of section 4735.07 of the Revised Code, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, ~~the fee which accompanies the application for a broker's license shall be reduced by the amount paid to the testing service~~ each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

Sec. 4735.07. (A) The superintendent of real estate, with the consent of the Ohio real estate commission, may enter into agreements with recognized national testing services to administer the real estate broker's examination under ~~his~~ the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination.

(B) No ~~person~~ applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that ~~he~~ the applicant:

(1) Is honest, truthful, and of good reputation;

(2)(a) Has not been convicted of a felony or crime of moral turpitude, or if ~~he~~ the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the conviction show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if ~~he~~ the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the adjudication show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant will again violate the laws involved;

(3) Has not, during any period in which ~~he~~ the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) Has been a licensed real estate broker or ~~salesman~~ salesperson for at least two years; during at least two of the five years preceding ~~his~~ the person's application, has worked as a licensed real estate broker or ~~salesman~~ salesperson for an average of at least thirty hours per week; and has completed one of the following:

(a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in ~~his~~ the capacity ~~as~~ of a real estate broker or ~~salesman~~ salesperson;

(b) Such equivalent experience as is defined by rules adopted by the commission;

(6)(a) If licensed as a real estate ~~salesman~~ salesperson prior to January 1, 1990, successfully has completed at an institution of higher education all of the following:

(i) Thirty hours of classroom instruction in real estate practice;

(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of

eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of classroom instruction in real estate appraisal;

(iv) Thirty hours of classroom instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(b) Division (B)(6)(a) of this section does not apply to any applicant who holds a valid real estate ~~salesman's~~ salesperson's license issued prior to January 2, 1972, or to applicants for a limited real estate broker's or ~~salesman's~~ salesperson's license. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section do not apply to any applicant who holds a valid real estate ~~salesman's~~ salesperson's license issued prior to January 3, 1984.

(7) If licensed as a real estate ~~salesman~~ salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) of this section. The requirements of division (B)(6)(a) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate ~~salesmen~~ salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

Each applicant for a limited real estate broker's or limited real estate ~~salesman's~~ salesperson's license shall be examined only in the areas specified in section 4735.091 of the Revised Code.

(D) Examinations shall be given entirely in writing, except that they shall be administered ~~orally or in braille to the blind, as defined in section 5109.15 of the Revised Code, or orally to an individual whose physical disability, as supported by a physician's statement, renders it impossible to take a written examination~~ with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 The contents of an examination shall be consistent with the requirements of division (B)(6)(a) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6)(a) of this section at the time of application may be examined at the next regularly scheduled examination after ~~he~~ the applicant is notified of ~~his~~ admission to the examination.

(E) The superintendent may waive the requirement of examination in the case of an application from a nonresident real estate broker of a state having similar requirements and under the laws of which similar recognition is extended to licensed real estate brokers and real estate ~~salesmen~~ salespersons of this state.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G) The superintendent in ~~his~~ the superintendent's discretion may waive the requirement of examination if the applicant has been licensed as a real estate broker by the superintendent or commission at some time during the two-year period immediately preceding the date of the current application.

(H)(1) ~~Within twelve months from the date of issuance of any real estate broker's license issued on or after January 1, 1990, the~~ Each licensee successfully shall complete, at an institution of higher education or any other institution that is approved by the commission, ten hours of classroom instruction in real estate brokerage. That instruction shall include, but not be limited to, current issues in managing a real estate company or office. Upon completion of the instruction, the licensee shall cause to be filed with the superintendent a certificate from the institution showing that ~~he~~ the licensee successfully has completed the requirements of this division IN accordance with THE appropriate TIME PERIOD, AS FOLLOWS:

(a) PERSONS LICENSED ON OR AFTER JANUARY 1, 1990, BUT BEFORE JANUARY 1, 2001, SHALL SUBMIT PROOF OF SUCCESSFUL COMPLETION OF INSTRUCTION TO THE SUPERINTENDENT WITHIN TWELVE MONTHS AFTER THE DATE

OF ISSUANCE OF THE SALESPERSON'S LICENSE;

(b) PERSONS LICENSED ON OR AFTER JANUARY 1, 2001, SHALL SUBMIT PROOF OF SUCCESSFUL COMPLETION OF INSTRUCTION TO THE SUPERINTENDENT ON OR BEFORE THE DATE THE LICENSEE'S FIRST CONTINUING EDUCATION REQUIREMENT, after licensure as a salesperson, must be met UNDER SECTION 4735.141 OF THE REVISED CODE.

If the instruction is not successfully completed within ~~twelve months~~ the time period prescribed by this division, the license of the real estate broker is suspended automatically without the taking of any action by the commission. The broker then shall have one year after the date of the suspension of ~~his~~ the broker's license to successfully complete the instruction required under this division, and ~~his~~ the broker's license shall not be reinstated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met.

(2) If the license of a real estate broker is suspended pursuant to division (H)(1) of this section, the license of a real estate ~~salesman~~ salesperson associated with that broker correspondingly is suspended pursuant to division (B) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate ~~salesman~~ salesperson shall be ~~reinstated~~ reactivated and no fee shall be charged or collected for that ~~reinstatement~~ reactivation if all of the following occur:

(a) That broker subsequently submits satisfactory proof to the superintendent that ~~he~~ the broker has complied with the requirements of division (H)(1) of this section and requests that ~~his~~ the broker's license as a real estate broker be ~~reinstated~~ reactivated;

(b) The superintendent then ~~reinstates his~~ reactivates the broker's license as a real estate broker;

(c) The associated real estate ~~salesman~~ salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter.

Sec. 4735.09. (A) Application for a license as a real estate ~~salesman~~ salesperson shall be made in writing to the superintendent of real estate on ~~blanks~~ forms furnished by the superintendent and signed ~~and sworn to~~ by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by a recent photograph of the applicant and the recommendation of the real estate broker with whom ~~he~~ the applicant is associated or with whom ~~he~~ the applicant intends to be associated, certifying

that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the examination for real estate salesman.

(B) A fee of forty-nine dollars shall accompany the application, which fee shall include the license if it is issued. The application fee shall be retained by the superintendent if the applicant is admitted to the examination for the license or the examination requirement is waived, but, if an applicant is not so admitted and a waiver is not involved, one-half of the fee shall be retained by the superintendent to cover the expenses of processing the application and the other one-half shall be returned to the applicant. A fee of forty-nine dollars shall be charged by the superintendent for each successive application made by the applicant. Four dollars of each fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate ~~salesman's~~ salesperson's examination under ~~his~~ the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of ~~such~~ the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate ~~salesman's~~ salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, ~~the fee which accompanies the application to take the salesman's examination shall be reduced by the amount paid to the testing service~~ each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate ~~salesman's~~ salesperson's license when satisfied that the applicant has received a grade of seventy-five per cent or better on the ~~salesman's~~ salesperson's examination, except that the superintendent may waive the requirement of examination if the applicant ~~was licensed by the commission or superintendent at some time within the two-year period immediately preceding the date of the current~~

~~application~~ IS A LICENSED REAL ESTATE SALESPERSON IN ANOTHER STATE AND that state does BOTH OF THE FOLLOWING:

(1) IT APPLIES LICENSING REQUIREMENTS SIMILAR TO THOSE APPLIED IN THIS STATE AS DETERMINED BY THE superintendent.

(2) IT EXTENDS SIMILAR RECIPROCITY TO LICENSED REAL ESTATE SALESPERSONS IN THIS STATE.

(F) No ~~person~~ applicant for a salesperson's license shall take the ~~salesman's~~ salesperson's examination who has not established to the satisfaction of the superintendent that ~~he~~ the applicant:

(1) Is honest, truthful, and of good reputation;

(2)(a) Has not been convicted of a felony or crime of moral turpitude or, if ~~he~~ the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the conviction show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if ~~he~~ the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved.

(3) Has not, during any period in which ~~he~~ the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if ~~he~~ the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or its equivalent as recognized by the state department of education;

(6)(a) Has successfully completed at an institution of higher education all of the following:

(i) Thirty hours of classroom instruction in real estate practice;

(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of

eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of classroom instruction in real estate appraisal;

(iv) Thirty hours of classroom instruction in real estate finance.

(b) Any person who has not been licensed as a real estate ~~salesman~~ salesperson or broker within a four-year period immediately preceding ~~his~~ the person's current application for the ~~salesman's~~ salesperson's examination shall have successfully completed the classroom instruction required by division (F)(6)(a) of this section within a ten-year period immediately preceding ~~his~~ the person's current application for the ~~salesman's~~ salesperson's examination.

(G) ~~Within twelve months from the date of issuance of any real estate salesman's license issued on or after January 4, 1988, and prior to January 1, 1990, or within twenty-four months from the date of issuance of any real estate salesman's license issued on or after January 1, 1987, and prior to January 4, 1988, the licensee shall submit proof of successful completion, at an institution of higher education, of thirty hours of classroom instruction in both real estate appraisal and real estate finance. Within twelve months from the date of issuance of any real estate saleman's license issued on or after January 1, 1990, the~~ Each licensee shall submit proof of successful completion, at an institution of higher education or any other institution approved by the commission, of ten hours of classroom instruction in real estate courses that cover current issues regarding consumers, real estate practice, ethics, and real estate law. Upon completion of the instruction, the licensee shall cause to have filed with the superintendent a certificate from the institution showing that ~~he~~ the licensee successfully has completed the requirements of this division IN accordance with THE appropriate TIME PERIOD, AS FOLLOWS:

(1) PERSONS LICENSED ON OR AFTER JANUARY 1, 1990, BUT BEFORE JANUARY 1, 2001, SHALL SUBMIT PROOF OF SUCCESSFUL COMPLETION OF THE INSTRUCTION TO THE SUPERINTENDENT WITHIN TWELVE MONTHS AFTER THE DATE OF ISSUANCE OF THE REAL ESTATE BROKER'S LICENSE;

(2) PERSONS LICENSED ON OR AFTER JANUARY 1, 2001, SHALL SUBMIT PROOF OF SUCCESSFUL COMPLETION OF THE INSTRUCTION TO THE SUPERINTENDENT ON OR BEFORE THE LICENSEE'S FIRST CONTINUING EDUCATION REQUIREMENT, AFTER LICENSURE AS A BROKER, must be met UNDER SECTION 4735.141 OF THE REVISED CODE. ~~If~~

If proof of successful completion of the required instruction is not submitted within the time period prescribed by this division, ~~his~~ the licensee's license is suspended automatically without the taking of any action by the commission. The superintendent immediately shall notify the broker with whom such ~~salesman~~ salesperson is associated of the suspension of ~~his~~ the salesperson's license. A ~~salesman~~ salesperson whose license has been suspended under this division shall have one year after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be ~~reinstated~~ reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met.

(H) Examinations shall be given entirely in writing, except that they shall be administered ~~orally or in braille to the blind, as defined in section 5109.15 of the Revised Code, or orally to an individual whose physical disability, as supported by a physician's statement, renders it impossible to take a written examination~~ with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6)(a) of this section. All persons whose applications are pending shall be notified by mail at least sixty days prior to such examination, except that an applicant who has completed the classroom instructional requirements of division (F)(6)(a) of this section at the time of application may be examined at the next regularly scheduled examination after ~~he~~ the applicant is notified of ~~his~~ the applicant's admission to the examination. Nothing in this section shall be construed to prevent an applicant from completing, in the discretion of the superintendent, the classroom instructional requirements of division (F)(6)(a) of this section concurrently with the processing of ~~his~~ the applicant's application for examination.

Sec. 4735.14. (A) Each license issued under this chapter, shall be valid without further recommendation or examination until canceled, revoked ~~or~~, suspended, or such license expires by operation of law.

(B) Each ~~real estate~~ licensed broker ~~licensee~~, brokerage, or salesperson

shall file, on or before the date the Ohio real estate commission has adopted by rule for that licensee in accordance with division (A)(2)(e) of section 4735.10 of the Revised Code, a certificate of continuation in business on a form prescribed by the superintendent of real estate ~~listing all real estate salespersons~~ The certificate of continuation in business shall be mailed by the superintendent to the ~~licensee's place of business~~ personal residence of each broker or salesperson and the place of business of the brokerage two months prior to the filing deadline.

(C) The license of any real estate broker, brokerage, or salesperson ~~who~~ that fails to file a certificate of continuation ~~prior to~~ on or before the filing deadline of each ensuing year shall be ~~revoked, unless the superintendent, for good cause shown, determines that the certificate of continuation could not have been filed by the filing deadline, but is filed within fifteen days from that date~~ canceled. A canceled license may be reactivated within one year of cancellation, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in revocation of the license. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is canceled or revoked.

Sec. 4735.141. (A) Except as otherwise provided in this division, ~~on or before January 31, 1983, and on or before the thirty-first day of January of every third year thereafter, each licensee who was licensed by the state prior to January 1, 1980, as a real estate broker or salesperson shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed, during the preceding three years, thirty classroom hours of continuing education as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code. Persons licensed as real estate salespersons within the state on or after January 1, 1980, shall submit the proof to the superintendent on or before the last day of the month of the third year directly following the filing of the certificate prescribed in division (G) of section 4735.09 of the Revised Code, and every third year thereafter. Persons~~ EACH PERSON LICENSED UNDER SECTION 4735.07 OR 4735.09 OF THE REVISED CODE SHALL SUBMIT PROOF satisfactory TO THE SUPERINTENDENT OF REAL ESTATE THAT THE LICENSEE HAS SATISFACTORILY COMPLETED THIRTY CLASSROOM HOURS OF CONTINUING EDUCATION, AS PRESCRIBED BY THE OHIO REAL ESTATE COMMISSION PURSUANT TO SECTION 4735.10 OF THE REVISED

ODE, ON OR BEFORE THE LICENSEE'S BIRTHDAY OCCURRING THREE YEARS AFTER THE LICENSEE'S DATE OF INITIAL LICENSURE, AND ON OR BEFORE THE LICENSEE'S BIRTHDAY EVERY THREE YEARS THEREAFTER.

Persons licensed as real estate salespersons who subsequently become licensed real estate brokers~~,~~ shall continue to submit proof of continuing education ~~on~~ in accordance with the ~~schedule~~ time period established ~~when they were licensed real estate salespersons. The~~ in this section.

The requirements of this section shall not apply to persons licensed under section 4735.091 of the Revised Code or to any physically handicapped licensee as provided in division (E) of this section.

Each licensee who is seventy years of age or older on ~~the effective date of this amendment, and each licensee who will be seventy years of age or older within three years after the effective date of this amendment~~ June 14, 1999, shall submit, on or before the licensee's birthday occurring three years after the effective date of this amendment, and on or before the licensee's birthday every three years thereafter, proof satisfactory to the superintendent of real esate that the licensee has satisfactorily completed ~~during the three-year period commencing on the effective date of this amendment, and every three-year period thereafter,~~ a total of nine classroom hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission. The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this paragraph.

A person providing any course of continuing education may administer examinations to licensees for the purpose of evaluating the effectiveness of the course, but passage of an examination by a licensee shall not be a condition for successful completion of the continuing education requirements of this section.

(B) The continuing education requirements of this section shall be completed in schools, seminars, and educational institutions approved by the commission. Such approval shall be given according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and shall not be limited to institutions providing two-year or four-year degrees. Each school, seminar, or educational institution approved under this division shall be open to all licensees on an equal basis.

(C) If the requirements of this section are not met by a licensee within the period specified, the licensee's license shall be suspended automatically

without the taking of any action by the superintendent. The superintendent shall notify the licensee of the license suspension. Any license so suspended shall remain suspended until it is ~~reinstated~~ reactivated by the superintendent. No such license shall be ~~reinstated~~ reactivated until it is established, to the satisfaction of the superintendent, that the requirements of this section have been met. If the requirements of this section are not met within ~~two years~~ one year from the date the license was suspended, the license shall be revoked automatically without the taking of any action by the commission. A person whose license has been revoked and whose revoked license was issued prior to January 1, 1980, may have the person's license ~~reinstated~~ reactivated by the superintendent at any time after it has been revoked upon submitting proof satisfactory to the superintendent that the person has satisfactorily completed during the period since the revocation of the person's license thirty classroom hours of continuing education as prescribed by the commission pursuant to section 4735.10 of the Revised Code. Upon ~~reinstatement~~ reactivation of the person's license, the licensee shall comply with the educational requirements of division (A) of this section.

(D) If the license of a real estate broker is suspended pursuant to division (C) of this section, the license of a real estate salesperson associated with that broker correspondingly is suspended pursuant to division (B) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be ~~reinstated~~ reactivated and no fee shall be charged or collected for that ~~reinstatement~~ reactivation if all of the following occur:

(1) That broker subsequently submits proof to the superintendent that the broker has complied with the requirements of this section and requests that the broker's license as a real estate broker be ~~reinstated;~~ reactivated.

(2) The superintendent then ~~reinstates~~ reactivates the broker's license as a real estate broker~~;~~.

(3) The associated real estate salesperson intends to continue to be associated with that broker, has complied with the requirements of this section, and otherwise is in compliance with this chapter.

ANY PERSON WHOSE LICENSE IS REACTIVATED PURSUANT TO THIS DIVISION SHALL SUBMIT PROOF SATISFACTORY TO THE SUPERINTENDENT that the person has completed THIRTY HOURS OF CONTINUING EDUCATION, as prescribed by the Ohio real estate commission, ON OR BEFORE THE THIRD YEAR FOLLOWING THE LICENSEE'S BIRTHDAY OCCURRING IMMEDIATELY AFTER REACTIVATION.

(E) Any licensee who is a physically handicapped licensee at any time during the last three months of the third year of the licensee's continuing education reporting period may receive an extension of time to submit proof to the superintendent that the licensee has satisfactorily completed the required thirty hours of continuing education. To receive an extension of time, the licensee shall submit a request to the division of real estate for the extension and proof satisfactory to the commission that the licensee was a physically handicapped licensee at some time during the last three months of the three-year reporting period. The proof shall include, but is not limited to, a signed statement by the licensee's attending physician describing the physical disability, certifying that the licensee's disability is of such a nature as to prevent the licensee from attending any classroom instruction lasting at least three hours in duration, and stating the expected duration of the physical disability. The licensee shall request the extension and provide the physician's statement to the division no later than one month prior to the end of the licensee's three-year continuing education reporting period, unless the physical disability did not arise until the last month of the three-year reporting period, in which event the licensee shall request the extension and provide the physician's statement as soon as practical after the occurrence of the physical disability. A licensee granted an extension pursuant to this division who is no longer a physically handicapped licensee and who submits proof of completion of the continuing education during the extension period, shall submit, for future continuing education reporting periods, proof of completion of the continuing education requirements according to the schedule established in division (A) of this section.

Sec. 4736.12. (A) The state board of sanitarian registration shall charge the following fees:

(1) To apply as a sanitarian-in-training, ~~forty-five~~ fifty-five dollars;

(2) For sanitarians-in-training to apply for registration as sanitarians, ~~forty-five~~ fifty-five dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, including persons meeting the requirements of section 4736.16 of the Revised Code, ~~ninety~~ one hundred ten dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be fixed by the board and shall not exceed ~~forty-two~~ fifty-eight dollars ~~and fifty cents~~.

(5) The renewal fee for sanitarians-in-training shall be fixed by the board and shall not exceed ~~forty-two~~ fifty-eight dollars ~~and fifty cents~~.

(6) For late application for renewal, twenty-five dollars.

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations.

(C) The board of sanitarian registration may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency approved under rules adopted by the board pursuant to section 4736.11 of the Revised Code and for the annual registration renewal of an approved training agency.

(2) Application for the review of continuing education hours submitted for the board's approval by approved training agencies or by registered sanitarians or sanitarians-in-training.

Sec. 4741.17. (A) Applicants or registrants shall pay to the state veterinary medical licensing board:

(1) For an initial veterinary license based on examination, on or after the first day of March in an even-numbered year, three hundred seventy-five dollars, and on or after the first day of March in an odd-numbered year, two hundred fifty dollars;

(2) For a veterinary license by reciprocity issued on or after the first day of March in an even-numbered year, four hundred twenty-five dollars, and on or after the first day of March in an odd-numbered year, three hundred dollars;

(3) For a veterinary temporary permit, one hundred dollars;

(4) For a duplicate license, thirty-five dollars;

(5) For the veterinary biennial renewal fee, where the application is postmarked no later than the first day of March, one hundred ~~twenty-five~~ fifty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, ~~one~~ two hundred ~~seventy-five~~ twenty-five dollars; and where the application is postmarked after the first day of April, ~~two~~ four hundred ~~twenty-five~~ fifty dollars;

(6) For an initial registered veterinary technician registration fee on or after the first day of March in an odd-numbered year, thirty-five dollars, and on or after the first day of March in an even-numbered year, twenty-five

dollars;

(7) For the biennial renewal registration fee of a registered veterinary technician, where the application is postmarked no later than the first day of March, ~~twenty-five~~ thirty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, ~~thirty~~ forty-five dollars; and where the application is postmarked after the first day of April, ~~thirty-five~~ sixty dollars;

~~(7)~~(8) For a specialist certificate, fifty dollars. The certificate is not subject to renewal.

~~(8)~~(9) For the reinstatement of a suspended license, seventy-five dollars;

~~(9)~~(10) For examinations offered by the board, a fee, which shall be established by the board, in an amount adequate to cover the expense of procuring, administering, and scoring examinations.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.

(C) For the purposes of divisions (A)(5) and ~~(6)~~(7) of this section, a date stamp of the office of the board may serve in lieu of a postmark.

Sec. 4741.19. (A) Unless exempted under this chapter, no person shall practice veterinary medicine, or any of its branches, without a license issued by the board pursuant to sections 4741.11 to 4741.13 of the Revised Code, a temporary permit issued pursuant to section 4741.14 of the Revised Code, or a registration certificate issued pursuant to division (C) of this section, or with an inactive, expired, suspended, terminated, or revoked license, temporary permit, or registration.

(B) No veterinary student extern shall:

(1) Perform or assist surgery unless under the direct supervision of a licensed veterinarian and unless the extern has had the minimum education and experience prescribed by rule of the board;

(2) Engage in any other work related to the practice of veterinary medicine unless under the direct supervision of a licensed veterinarian;

(3) Participate in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is present on the establishment premises.

(C) No person shall act as a registered veterinary technician unless ~~he~~ the person is registered with the board on a biennial basis and pays the biennial registration fee. A registered veterinary technician registration expires biennially on the first day of March in the odd-numbered years~~,~~ and may be renewed in accordance with the standard renewal procedures

ained in Chapter 4745. of the Revised Code upon payment of the biennial registration fee and fulfillment of ten continuing education hours during the two years immediately preceding renewal for registration. Each registered veterinary technician shall notify in writing~~,~~ the secretary of the board of any change in ~~his~~ the registered veterinary technician's office address or employment within ninety days after the change has taken place.

A registered veterinary technician operating under the supervision of a licensed veterinarian may perform the following duties:

(1) Prepare or supervise the preparation of patients, instruments, equipment, and medications for surgery;

(2) Induce and monitor general anesthesia according to medically recognized and appropriate methods;

(3) Collect or supervise the collection of specimens and perform laboratory procedures as required by the supervising veterinarian;

(4) Apply wound dressings, casts, or splints as required by the supervising veterinarian;

(5) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;

(6) Suture skin incisions;

(7) Dental prophylaxis;

(8) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;

(9) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.

The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.

(D) A veterinarian licensed to practice in this state shall not hold ~~himself~~ oneself out as a specialist unless ~~he~~ the veterinarian has previously met the requirements of the American veterinary medical association for a specialty or such other requirements set by rule of the board and has paid the fee required by division (A)~~(7)~~(8) of section 4741.17 of the Revised Code.

(E) Notwithstanding division (A) of this section, any animal owner or ~~his~~ the owner's designee may engage in the practice of embryo transfer on the owner's animal if a licensed veterinarian directly supervises the owner or ~~his~~ the owner's designee and the means used to perform the embryo transfer are nonsurgical.

Sec. 4747.05. (A) The hearing aid dealers and fitters licensing board shall issue to each applicant, within sixty days of receipt of a properly

completed application and payment of two hundred fifty dollars, a hearing aid dealer's or fitter's license if the applicant, if an individual:

(1) Is at least eighteen years of age;

(2) Is a person of good moral character;

(3) Is free of contagious or infectious disease;

(4) Has successfully passed a qualifying examination specified and administered by the board.

(B) If the applicant is a firm, partnership, association, or corporation, the application, in addition to such information as the board requires, shall be accompanied by an application for a license for each person, whether owner or employee, of the firm, partnership, association, or corporation, who engages in dealing in or fitting of hearing aids, or shall contain a statement that such applications are submitted separately. No firm, partnership, association, or corporation licensed pursuant to this chapter shall permit any unlicensed person to sell or fit hearing aids.

(C) Each license issued expires on the thirtieth day of January of the year following that in which it was issued.

Sec. 4747.06. (A) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall apply annually to the hearing aid dealers and fitters licensing board for renewal of such license under the standard renewal procedure specified in Chapter 4745. of the Revised Code. The board shall issue to each applicant, on proof of completion of the continuing education required by division (B) of this section and payment of one hundred ~~twenty-five~~ fifty dollars on or before the first day of February, one hundred ~~fifty~~ seventy-five dollars on or before the first day of March, or ~~one~~ two hundred ~~seventy-five~~ dollars thereafter, a renewed hearing aid dealer's or fitter's license. No person who applies for renewal of a hearing aid dealer's or fitter's license that has expired shall be required to take any examination as a condition of renewal provided application for renewal is made within two years of the date such license expired.

(B) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall complete each year not less than ten hours of continuing professional education approved by the board. On a form provided by the board, the person shall certify to the board, at the time of license renewal pursuant to division (A) of this section, that in the preceding year the person has completed continuing education in compliance with this division and shall submit any additional information required by rule of the board regarding the continuing education. The board shall adopt rules in accordance with

Chapter 119. of the Revised Code establishing the standards continuing education programs must meet to obtain board approval and continuing education reporting requirements.

Continuing education may be applied to meet the requirement of this division if it is provided or certified by any of the following:

(1) The national institute of hearing instruments studies committee of the international hearing society;

(2) The American speech-language hearing association;

(3) The American academy of audiology.

The board may excuse persons licensed under this chapter, as a group or as individuals, from all or any part of the requirements of this division because of an unusual circumstance, emergency, or special hardship.

Sec. 4747.07. Each person who holds a hearing aid dealer's or fitter's license and engages in the practice of dealing in and fitting of hearing aids shall display such license in a conspicuous place in ~~his~~ the person's office or place of business at all times. Each person who maintains more than one office or place of business shall post a duplicate copy of the license at each location. The hearing aid dealers and fitters licensing board shall issue duplicate copies of a license upon receipt of a properly completed application and payment of ~~ten~~ fifteen dollars for each copy requested.

Sec. 4747.10. Each person currently engaged in training to become a licensed hearing aid dealer or fitter shall apply to the hearing aid dealers and fitters licensing board for a hearing aid dealer's and fitter's trainee permit. The board shall issue to each applicant within thirty days of receipt of a properly completed application and payment of ~~seventy-five~~ one hundred dollars, a trainee permit if such applicant is:

(A) At least eighteen years of age;

(B) The holder of a diploma from an accredited high school, or possesses an equivalent education;

(C) A person of good moral character;

(D) Free of contagious or infectious disease.

Each trainee permit issued by the board expires one year from the date it was first issued, and may be renewed once if the trainee has not successfully completed the qualifying requirements for licensing as a hearing aid dealer or fitter before the expiration date of such permit. The board shall issue a renewed permit to each applicant upon receipt of a properly completed application and payment of ~~seventy-five~~ one hundred dollars. No person holding a trainee permit shall engage in the practice of dealing in or fitting of hearing aids except while under supervision by a licensed hearing aid dealer or fitter.

Sec. 4747.13. (A) Any person who wishes to make a complaint against any person, firm, partnership, association, or corporation licensed pursuant to this chapter shall submit such complaint in writing to the hearing aid dealers and fitters licensing board within one year from the date of the action or event upon which the complaint is based. The hearing aid dealers and fitters board shall determine whether the charges in the complaint are of a sufficiently serious nature to warrant a hearing before the board to determine whether the license or permit held by the person complained against shall be revoked or suspended. If the board determines that a hearing is warranted, then it shall fix the time and place of such hearing and deliver or cause to have delivered, either in person or by registered mail, at least twenty days before the date of such hearing, an order instructing the licensee complained against of the date, time, and place where ~~he~~ the licensee shall appear before the board. Such order shall include a copy of the complaint against the licensee.

The board, and the licensee after receipt of the order and a copy of the complaint made against ~~him~~ the licensee, may take depositions in advance of the hearing, provided that each party taking depositions shall give at least five days notice to the other party of the time, date, and place where such depositions shall be taken. Each party shall have the right to attend with counsel the taking of such depositions and may cross-examine the deponent or deponents. Each licensee appearing before the board may be represented by counsel. No person shall have ~~his~~ the person's license or permit revoked or suspended without an opportunity to present ~~his~~ the person's case at a hearing before the board, and the board shall grant a continuance or adjournment of a hearing date for good cause. Each person whose license or permit is suspended or revoked by the board may appeal such action ~~to the board or~~ to the court of common pleas.

(B) The board shall petition the court of common pleas of the county in which a person, firm, partnership, or corporation ~~on or after January 1, 1970,~~ engages in the sale, practice of dealing in or fitting of hearing aids, advertises or assumes such practice, or engages in training to become a licensed hearing aid dealer or fitter without first being licensed, for an order enjoining any such acts or practices. The court may grant such injunctive relief upon a showing that the respondent named in the petition is engaging in such acts or practices without being licensed under ~~Chapter 4747. of the Revised Code~~ this chapter.

Sec. 4759.05. The Ohio board of dietetics shall:

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules

governing the following:

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;

(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code;

(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;

(4) Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code ~~and~~, including the duration of validity of a limited permit;

(5) Requirements for a licensed dietitian who places ~~his~~ a license in inactive status under division (G) of section 4759.06 of the Revised Code, including a procedure for changing inactive status to active status;

~~(5)~~(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.

~~(6)~~(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;

~~(7)~~(8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the American dietetic association;

~~(8)~~(9) Formulation of a written application form for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code;

~~(9)~~(10) Procedures for license renewal;

~~(10)~~(11) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code.

(B) Investigate alleged violations of section 4759.02 to 4759.10 of the Revised Code. In making its investigations, the board may issue subpoenas, examine witnesses, and administer oaths.

(C) Adopt a seal;

(D) Conduct meetings and keep records as are necessary to carry out the

provisions of this chapter;

(E) Publish, and make available to the public, upon request and for a fee not to exceed the actual cost of printing and mailing, the board's rules and requirements for licensure adopted under division (A) of this section and a record of all persons licensed under section 4759.06 of the Revised Code.

Sec. 4759.06. (A) The Ohio board of dietetics shall issue or renew a license to practice dietetics to an applicant who:

(1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code;

(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;

(3) Is a resident of the state or performs or plans to perform dietetic services within the state;

(4) Is of good moral character;

(5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the American dietetic association;

(6) Has successfully completed a pre-professional dietetic experience approved by the American dietetic association, or experience approved by the board under division (A)(3) of section 4759.05 of the Revised Code;

(7) Has passed the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code;

(8) Is an applicant for renewal of a license, and has fulfilled the continuing education requirements adopted under division (A)~~(5)~~(6) of section 4759.05 of the Revised Code.

(B) The board shall waive the requirements of divisions (A)(5), (6), and (7) of this section and any rules adopted under division (A)~~(6)~~(7) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C) The board shall waive the requirements of division (A)(7) of this section if the application for renewal is made within two years after the date of license expiration.

(D) The board may waive the requirements of division (A)(5), (6), or (7) of this section or any rules adopted under division (A)~~(6)~~(7) of section 4759.05 of the Revised Code, if the applicant presents satisfactory evidence of education, experience, or passing an examination in another state or a foreign country, that the board considers the equivalent of the requirements

stated in those divisions or rules.

(E) The board shall issue an initial license to practice dietetics to an applicant who meets the requirements of division (A) of this section. An initial license shall be valid from the date of issuance through the thirtieth day of June following issuance of the license. Each subsequent license shall be valid from the first day of July through the thirtieth day of June. The board shall renew the license of an applicant who is licensed to practice dietetics and who meets the continuing education requirements of division (A)~~(5)~~(6) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(F) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(5) and (6) of this section and who presents evidence to the board of ~~his application~~ having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. ~~The permit may be renewed one time if the applicant has failed the examination and has applied to take the next available examination. The permit and renewal permit shall expire thirty days after the appropriate examination results are made public.~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

(G) A licensed dietitian may place ~~his~~ the license in inactive status.

Sec. 4766.02. (A) There is hereby created the Ohio ambulance licensing board, consisting of five voting members and one nonvoting member who shall be residents of this state and appointed by the governor with the advice and consent of the senate. Except as provided in division (B) of this section, members shall serve terms of two years. One voting member shall be a member of the Ohio ambulance association; two voting members, one of whom shall be a licensed funeral director, shall be owners or operators of private emergency medical service organizations operating in this state; one voting member shall be a consumer of emergency medical services who is not associated with any public or private emergency medical service organization; and one voting member shall be an official with a public emergency medical service organization. A physician who holds a certificate to practice issued under Chapter 4731. of the Revised Code who is a member of the American college of emergency physicians shall serve as the nonvoting member. The board shall annually select from its membership a chair and a vice-chair to act as chair in the chair's absence.

(B) Of the members initially appointed, three shall be appointed for terms of one year and three for terms of two years. Any member appointed

to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Every member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(C) Three voting members shall constitute a quorum for the transaction of business, and the affirmative vote of three members is required for the board to take any official action. The board, after notice and hearing, may remove a member by majority vote for malfeasance, misfeasance, or nonfeasance.

Members of the board shall be reimbursed for actual and necessary expenses incurred in attending meetings of the board and in the performance of their official duties. The board may hire such employees as are necessary to enable it to execute its duties.

(D) The division of emergency medical services within the department of public safety shall provide the board with office space ~~at no cost~~, but the board shall not be a part of the division or the department.

(E) The board is the sole supervisory body regarding the licensing of private ambulance service organizations in this state.

Sec. 4766.04. (A) Except as otherwise provided in this chapter, no person shall furnish, operate, conduct, maintain, advertise, engage in, or propose or profess to engage in the business or service of transporting persons who are seriously ill, injured, or otherwise incapacitated in this state unless the person is licensed pursuant to this section.

(B) To qualify for a license as a basic life-support, intermediate life-support, or advanced life-support service organization, an emergency medical service organization shall do all of the following:

(1) Apply for a permit for each ambulance and nontransport vehicle owned or leased as provided in section 4766.07 of the Revised Code;

(2) Meet all requirements established in rules adopted by the Ohio ambulance licensing board regarding ambulances and nontransport vehicles, including requirements pertaining to equipment, communications systems, staffing, and level of care the particular organization is permitted to render;

(3) Maintain the appropriate type and amount of insurance or self-insurance as specified in section 4766.06 of the Revised Code;

(4) Meet all other requirements established under rules adopted by the board for the particular license.

(C) To apply for a license as a basic life-support, intermediate life-support, or advanced life-support service organization, an emergency medical service organization shall submit a completed application to the

oard, on a form provided by the board for each particular license, together with the appropriate fees established under section 4766.05 of the Revised Code. The application form shall include all of the following:

(1) The name and business address of the operator of the organization for which licensure is sought;

(2) The name under which the applicant will operate the organization;

(3) A list of the names and addresses of all officers and directors of the organization;

(4) A description of each vehicle to be used, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle;

(5) The location and description of each place from which the organization will operate;

(6) A description of the geographic area to be served by the applicant;

(7) Any other information the board, by rule, determines necessary.

(D) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, or advanced life-support service organization, the board shall approve or deny the application. The board shall deny an application if it determines that the applicant does not meet the requirements of this chapter or any rules adopted under it. The board shall send notice of the denial of an application by certified mail to the applicant. The applicant may request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code.

(E) If an applicant or licensee operates or plans to operate an organization in more than one location under the same or different identities, the applicant or licensee shall apply for and meet all requirements for licensure or renewal of a license, other than payment of a license fee or renewal fee, for operating the organization at each separate location. An applicant or licensee that operates or plans to operate under the same organization identity in separate locations shall pay only a single license fee.

(F) Each license issued under this section and each permit issued under section 4766.07 of the Revised Code expires ~~two years~~ one year after the date of ~~issue~~ issuance and may be renewed in accordance with the standard renewal procedures of Chapter 4745. of the Revised Code, except that a license or permit issued in 1998 or in 1999 prior to the effective date of this amendment shall expire two years after the date of issuance. An application for renewal shall include the license or permit renewal fee established under

section 4766.05 of the Revised Code. An applicant for renewal of a permit also shall submit to the board proof of an annual inspection of the vehicle for which permit renewal is sought. The board shall renew a license if the applicant meets the requirements for licensure and shall renew a permit if the applicant and vehicle meet the requirements to maintain a permit for that vehicle.

(G) Each licensee shall maintain accurate records of all service responses conducted. The records shall be maintained on forms prescribed by the board and shall contain information as specified by rule by the board.

Sec. 4766.05. (A) The Ohio ambulance licensing board shall establish by rule a license fee, a permit fee for each ambulance and nontransport vehicle owned or leased by the licensee that is or will be used as provided in section 4766.07 of the Revised Code, and fees for renewals of licenses and permits, taking into consideration the actual costs incurred by the board in carrying out its duties under this chapter. However, the fee for each license and each renewal of a license shall not exceed ~~two~~ one hundred dollars, and the fee for each permit and each renewal of a permit shall not exceed ~~one hundred~~ fifty dollars for each ambulance and nontransport vehicle. For purposes of establishing fees, "actual costs" ~~include~~ includes the costs of salaries, expenses, inspection equipment, supervision, and program administration.

(B) The board shall deposit all fees and other moneys collected pursuant to sections 4766.04, 4766.07, and 4766.08 of the Revised Code in the state treasury to the credit of the ambulance licensing trust fund, which is hereby created. All moneys from the fund shall be used solely for the salaries and expenses of the board incurred in implementing and enforcing this chapter.

Sec. 4766.07. (A) Each emergency medical service organization subject to licensure under this chapter shall possess a valid permit for each ambulance and nontransport vehicle it owns or leases that is or will be used by the licensee to perform the services permitted by the license. Each licensee and license applicant shall submit the appropriate fee and an application for a permit for each ambulance and nontransport vehicle to the Ohio ambulance licensing board on forms provided by the board. The application shall include documentation that the vehicle meets the appropriate standards set by the board, that the vehicle has been inspected pursuant to division (C) of this section, that the permit applicant maintains insurance or self-insurance as provided in section 4766.06 of the Revised Code, and that the vehicle and permit applicant meet any other requirements established under rules adopted by the board.

(B)(1) Within sixty days after receiving a completed application for a

permit, the board shall issue or deny the permit. The board shall deny an application if it determines that the permit applicant or vehicle does not meet the requirements of this chapter and the rules adopted under it that apply to permits for ambulances and nontransport vehicles. The board shall send notice of the denial of an application by certified mail to the permit applicant. The permit applicant may request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code.

(2) If the board issues the vehicle permit, it also shall issue a decal, in a form prescribed by rule, to be displayed on the rear window of the vehicle. The board shall not issue a decal until all of the requirements for licensure and permit issuance have been met.

(C) In addition to any other requirements that the board establishes by rule, a licensee or license applicant applying for an initial vehicle permit under division (A) of this section shall submit to the state highway patrol and the board the vehicle for which the permit is sought. Thereafter, a licensee shall annually submit to the state highway patrol and the board each vehicle for which a permit has been issued.

(1) The state highway patrol shall conduct a physical inspection of an ambulance or nontransport vehicle to determine its roadworthiness and compliance with standard motor vehicle requirements.

(2) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with the federal requirements for ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822."

(3) The board and state highway patrol shall issue a certificate to the applicant for each vehicle that passes the inspection and may assess a fee for each inspection, as established by the board.

(4) The board, in consultation with the state highway patrol, shall adopt rules regarding the implementation and coordination of the state highway patrol and board inspections. The rules may permit the board to contract with a third party to conduct the inspections required of the board under this section.

~~ction before the date by which the organization is required to renew the registration of the ambulance or nontransport vehicle with the bureau of motor vehicles, the organization may apply to the board for a temporary vehicle permit. Such a permit shall be valid for a period of no more than thirty days from the date of issuance, and shall be accepted by the registrar of motor vehicles when the organization applies for registration of the vehicle under section 4503.49 of the Revised Code.~~

Sec. 4773.04. (A) The department of health shall examine, or pursuant to section 3701.044 of the Revised Code contract with another entity to examine, each qualified applicant for a license issued under this chapter. To be eligible for admittance to an examination, an applicant must submit evidence satisfactory to the department or other examiner that the applicant has successfully completed a course of study in the appropriate area of practice and the course of study must have been conducted by an educational program accredited by the department under section 4773.07 of the Revised Code.

In examining or ~~providing~~ contracting for the examination of applicants, the department shall ensure that an opportunity to take an examination is available as follows:

(1) At least once each month for individuals applying to be licensed as general x-ray machine operators;

(2) At least three times each year for individuals applying to be licensed as radiographers, radiation therapy technologists, or nuclear medicine technologists.

(B) The department shall develop or contract for a separate examination for each type of license issued under this chapter. An examination may consist of all or part of any standard examination created by ~~other entities~~ any entity for purposes of determining the competence of individuals to practice as general x-ray machine operators, radiographers, radiation therapy technologists, or nuclear medicine technologists.

Sec. 4905.80. (A) As used in sections 4905.80 to 4905.83 of the Revised Code:

(1) "Uniform registration" has the same meaning as "registration" as used in the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819.

(2) "Uniform permit" has the same meaning as "permit" as used in the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials

Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819.

(B)(1) The public utilities commission may adopt rules applicable to the uniform registration and uniform permitting of persons engaged in the highway transportation of hazardous materials into, through, or within this state. ~~Until November 17, 2000, rules adopted under this division shall be consistent with, and equivalent in scope, coverage, and content to, the final report submitted to the United States secretary of transportation pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819. Effective on and after November 17, 2000, the rules shall be consistent with, and equivalent in scope, coverage, and content to, section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819, and the regulations adopted under that section.~~ The ~~commission may adopt additional rules for the implementation and administration of the uniform registration and permitting system established by rule under this section, including~~ rules shall include rules staggering the registration date for carriers and reducing or extending, by no more than one year, the permit renewal period for carriers.

~~Rules adopted or amended under division (B)(1) of this section on or after November 17, 2000, shall be adopted or amended in accordance with Chapter 119. of the Revised Code.~~

(2) For the purpose of minimizing filing requirements regarding any background investigation required for the issuance of a uniform permit as a carrier of hazardous wastes, the commission shall accept from any applicant for such a permit any refiling of information the applicant has filed with the office of the attorney general under section 3734.42 of the Revised Code or any reference to such information~~,~~ if the refiled or referenced information is on file with the office of the attorney general, is accurate and timely for the commission's purposes under this section, and is supplemented by any additional information the commission requires. The office of the attorney general, as necessary for any such background investigation, shall make accessible to the commission any such information referenced or refiled in an application for a uniform permit as a carrier of hazardous wastes that the attorney general determines may be disclosed in accordance with section 3734.42 of the Revised Code. Nothing in sections 4905.80 to 4905.83 of the Revised Code affects any limitations under section 3734.42 of the Revised Code on the disclosure of that information.

(C)(1) The fees for uniform registration and a uniform permit as a carrier of hazardous materials shall consist of the following:

(a) A processing fee of fifty dollars;

(b) An apportioned per-truck registration fee, which shall be calculated by multiplying the percentage of a registrant's activity in this state times the percentage of the registrant's business that is hazardous-materials-related, times the number of vehicles owned or operated by the registrant, times a per-truck fee determined by order of the commission following public notice and an opportunity for comment.

However, the total revenue from the apportioned per-truck registration fee shall not exceed the appropriation of the general assembly for the hazardous materials registration fund created under division (C)(3) of this section. In determining the per-truck fee, the commission shall calculate the difference between the appropriation from the fund for the current fiscal year and the net total of the processing fees collected in the previous registration year under division (C)(1)(a) of this section, fees collected under division (C)(2) of this section, refunds to carriers from overpayments of fees collected under this section, and fees paid to other states under division (D) of this section, and shall divide that calculated amount by the total number of apportioned trucks determined on the basis of information submitted by all registrants in the previous registration year. If the calculated amount is zero or less, the fee shall be zero. Any interested party, in accordance with division (H) of this section, may appeal to the court of appeals of Franklin county an order of the commission establishing the apportioned per-truck registration fee.

(i) The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred per cent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.

(ii) The percentage of a registrant's business that is hazardous-materials-related shall be calculated, for less-than-truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous-materials-related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous

Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804, by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less-than-truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous-materials-related on a proportional basis.

(iii) A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (C)(1)(b)(i) and (ii) of this section.

(2) The commission, after notice and opportunity for a hearing, may assess each carrier a fee for any background investigation required for the issuance, for the purpose of section 3734.15 of the Revised Code, of a uniform permit as a carrier of hazardous wastes and fees related to investigations and proceedings for the denial, suspension, or revocation of a uniform permit as a carrier of hazardous materials. The fees shall not exceed the reasonable costs of the investigations and proceedings. The fee for a background investigation for a uniform permit as a carrier of hazardous wastes shall be six hundred dollars plus the costs of obtaining any necessary information not included in the permit application, to be calculated at the rate of thirty dollars per hour, not exceeding six hundred dollars, plus any fees payable to obtain necessary information.

(3) All fees collected under division (C)(1) of this section and all background investigation and permit denial, suspension, and revocation investigation and proceeding fees collected under division (C)(2) of this section shall be credited to the hazardous materials registration fund, which is hereby created in the state treasury. Moneys in that fund shall be used by the commission to administer and enforce sections 4905.80 to 4905.83 of the Revised Code.

(D) The commission, as necessary to implement the rules adopted under division (B) of this section, may enter into agreements, contracts, arrangements, or declarations with other states and with the national repository, established pursuant to the final report submitted to the United States secretary of transportation, pursuant to subsection (c) of section 22 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819. The agreements, contracts, arrangements, or declarations shall include, but not be limited to, the determination of a base state, the collection of uniform registration fees, the frequency of distribution of uniform registration fees, procedures for dispute resolution, and protection of trade secrets and confidential business

mation.

(E) The first eight hundred thousand dollars of forfeitures collected under section 4905.83 of the Revised Code during each ~~of fiscal years 1995 to 2000 and during~~ fiscal year ~~2001 until November 17, 2000,~~ shall be credited to the hazardous materials transportation fund, which is hereby created in the state treasury. Any forfeitures in excess of that amount collected during each ~~such period and any forfeitures collected on or after November 17, 2000,~~ fiscal year shall be credited to the general revenue fund. In each ~~of fiscal years 1995 to 2000 and in~~ fiscal year ~~2001 until November 17, 2000~~, the commission shall distribute moneys credited to the hazardous materials transportation fund under this division for the purposes of emergency response planning and the training of safety, enforcement, and emergency services personnel in proper techniques for the management of hazardous materials releases that occur during transportation or otherwise. For these purposes, fifty per cent of all such moneys credited to the fund shall be distributed to Cleveland state university, ~~and fifty~~ forty-five per cent shall be distributed to other educational institutions, state agencies, regional planning commissions, and political subdivisions, and five per cent shall be retained by the commission for the administration of this section and for training employees. However, if, in any such period, moneys credited to the fund under this division equal an amount less than four hundred thousand dollars, the commission shall distribute, to the extent of the fund, two hundred thousand dollars to Cleveland state university and the remainder to other educational institutions, state agencies, regional planning commissions, and political subdivisions.

(F)(1) No person shall violate or fail to perform a duty imposed by this section or a rule adopted under it.

(2) No person shall knowingly falsify or fail to submit any data, reports, records, or other information required to be submitted to the commission pursuant to this section or a rule adopted under it. For purposes of division (F)(2) of this section, a person acts knowingly if either of the following applies:

(a) The person has actual knowledge of the facts giving rise to the violation.

(b) A reasonable person acting in the circumstances and exercising due care would have such knowledge.

(G) After notice and opportunity for a hearing, the commission, pursuant to criteria set forth in rules adopted under division (B) of this section, may suspend, revoke, or deny the uniform permit as a carrier of hazardous materials of any carrier that has obtained or applied for such a

uniform permit from the commission pursuant to rules adopted under that division, or the commission may order the suspension of the transportation of hazardous materials into, through, or within this state by a carrier that has obtained a uniform permit from another state that has a reciprocity agreement with the commission pursuant to division (D) of this section.

(H)(1) The proceedings specified in division (G) of this section are subject to and governed by Chapter 4903. of the Revised Code, except as otherwise provided in this section. The court of appeals of Franklin county has exclusive original jurisdiction to review, modify, or vacate any order of the commission suspending, revoking, or denying a uniform permit as a carrier of hazardous materials of any carrier that has obtained or applied for a uniform permit from the commission pursuant to rules adopted under division (B) of this section, or any order of the commission suspending the transportation of hazardous materials into, through, or within this state by a carrier that has obtained a uniform permit from another state that has a reciprocity agreement with the commission under division (D) of this section. The court of appeals shall hear and determine those appeals in the same manner and under the same standards as the Ohio supreme court hears and determines appeals under Chapter 4903. of the Revised Code.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the order was issued and shall proceed as in the case of appeals in civil actions as provided in Chapter 2505. of the Revised Code.

(2) Section 4903.11 of the Revised Code does not apply to appeals of any order of the commission suspending, revoking, or denying a uniform permit of a carrier that has obtained or applied for a uniform permit from the commission pursuant to rules adopted under division (B) of this section, or of any order of the commission suspending the transportation of hazardous materials into, through, or within this state by a carrier that has obtained a uniform permit from another state that has a reciprocity agreement with the commission pursuant to division (D) of this section. Any person to whom such an order is issued who wishes to contest the order shall file, within sixty days after the entry of the order upon the journal of the commission, a notice of appeal, setting forth the order appealed from and the errors complained of. The notice of appeal shall be served, unless waived, upon the chairperson of the commission or, in the event of the chairperson's absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. On appeal, the court shall reverse, vacate, or modify the order if, upon consideration of the record, the court is of the

ion that the order was unlawful or unreasonable.

Sec. 4911.17. There is hereby created a nine-member consumers' counsel governing board consisting of three representatives of organized groups representing each of the following areas: labor; residential consumers; family farmers. No more than five members of this board may be members of the same political party.

The members of the board shall be appointed by the attorney general with the advice and consent of the senate.

No later than January 1, 1977, the attorney general shall make initial appointments to the board. Of the initial appointments made to the board, three shall be for a term ending one year after ~~the effective date of this section~~ September 1, 1976, three shall be for a term ending two years after that date, and three shall be for a term ending three years after that date. Thereafter, terms of office shall be for three years, each term ending on the same day of the same month of the year as did the term ~~which~~ that it succeeds. Each member shall hold office from the date of ~~his~~ the member's appointment until the end of the term for which ~~he~~ the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of ~~such~~ that term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office.

The governing board shall meet within thirty days after all appointments have been made and select from among its membership a ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson. The board shall meet at least every other month thereafter. Meetings may be held more often at the request of a majority of the members or upon call of the ~~chairman~~ chairperson. A majority of the members constitutes a quorum. No action shall be taken without the concurrence of a majority of the full membership of the board. The consumers' counsel shall at all times remain responsible to the governing board. Members of the board shall ~~serve without compensation but~~ be compensated at the rate of one hundred fifty dollars per board meeting attended in person, not to exceed one thousand two hundred dollars per year. All members shall be reimbursed for actual and necessary expenses incurred in the performance of the official duties.

The board shall submit to the general assembly no later than the first day of April, annually, a report outlining the expenditures of the office of consumers' counsel, a full record of participation in any and all proceedings, and an outline of other relevant activities of the office.

Sec. 4931.11. Any company organized at any time to transact a

elegraph, telephone, or communications business may construct, reconstruct, own, use, lease, operate, maintain, and improve communications systems for the transmission of voices, sounds, writings, signs, signals, pictures, visions, images, or other forms of intelligence, as public utility services, by means of wire, cable, radio, radio relay, or other facilities, methods, or media. Any such company has the powers and is subject to the restrictions prescribed in sections ~~4931.01~~ 4931.02 to ~~4931.23, inclusive,~~ 4931.22 of the Revised Code, for telegraph or telephone companies.

Sec. 4931.21. Sections ~~4931.01~~ 4931.02 to ~~4931.23, inclusive,~~ 4931.22 of the Revised Code do not authorize any telegraph company to appropriate the use of the track or rolling stock of a railroad company for transporting poles, materials, or the employees of such telegraph company, or for any other purpose.

Sec. 4931.99. (A) Whoever violates section ~~4931.24 or~~ 4931.49 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 4931.25, 4931.26, 4931.27, 4931.30, or 4931.31 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever violates section 4931.28 of the Revised Code is guilty of a felony of the fourth degree.

(D) Whoever violates section 4931.29 or division (B) of section 4931.35 of the Revised Code is guilty of a misdemeanor in the first degree.

(E) Whoever violates division (E) of section 4931.49 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a felony of the fifth degree on each subsequent offense.

(F) Whoever violates section 4931.55 of the Revised Code is guilty of a minor misdemeanor for a first offense and a misdemeanor of the first degree on each subsequent offense.

Sec. 4933.14. ~~Except section 4931.08 of the Revised Code, sections 4931.01~~ sections 4931.02 to ~~4931.23, inclusive,~~ 4931.22 and 4933.13 to 4933.16~~, inclusive,~~ of the Revised Code~~,~~ apply to companies organized for supplying public and private buildings, manufacturing establishments, streets, alleys, lanes, lands, squares, and public places with electric light and power, and to an automatic package carrier. ~~Except as provided by section 4931.08 of the Revised Code, every~~ Every such company shall have the powers and be subject to the restrictions prescribed for telegraph companies by sections ~~4931.01~~ 4931.02 to ~~4931.23, inclusive,~~ 4931.22 of the Revised Code.

Sec. 4937.02. (A) There is hereby created the utility radiological safety board composed of the chairperson of the public utilities commission, the director of environmental protection, the director of health, the director of

griculture, the ~~deputy~~ executive director of the emergency management agency, and the director of commerce, or their designees each of whom shall be an employee of the member agency of the board member for whom the person is a designee. The purpose of the board is to develop a comprehensive policy for the state regarding nuclear power safety. The board's objectives shall be to promote safe, reliable, and economical power; establish a memorandum of understanding with the federal nuclear regulatory commission and the state, including agreements with individual state agencies to interact with the commission and the federal emergency management agency; and recommend policies and practices that promote safety, performance, emergency preparedness, and public health standards that are designed to meet the state's needs.

(B) The governor shall appoint a chairperson of the board from among the members of the board. The board shall elect one of its members as vice-chairperson, who shall possess, during the absence or disability of the board chairperson, all the powers of the board chairperson. All examinations, studies, or other official proceedings of the board shall be conducted by the board or its designees. The board's authority under ~~sections 4937.01 to 4937.05 of the Revised Code~~ this chapter shall not be exercised by any officer, employee, or body other than the board itself, except by express action of the board.

(C) The chairperson of the board shall cause to be kept a complete record of all proceedings of the board, and any books, maps, documents, and papers used or produced by the board, and shall perform such other duties as the governor may prescribe.

(D) A majority of the board's members constitutes a quorum for the transaction of any business, performance of any duty, or exercise of any power of the board. No vacancy on the board shall impair the right of the remaining board members to exercise all powers of the board. The act of a majority of the board, when in session as a board, is an act of the board.

(E) Members of the board and their designees shall not receive compensation from the board, but shall receive all ordinary and necessary expenses incurred in performance of board business, including actual travel expenses. All such expenses shall be paid by the agency of which the individual board member or designee is an officer or employee.

(F) The attorney general is the board's legal advisor, but shall designate, subject to the board's approval, one or more of the attorney general's assistants to discharge the duties of board attorney.

(G) The board may call to its assistance, temporarily, with the consent of the member agency, any employee of a member agency to conduct

studies, examinations, and investigations for the board or prepare any report required or authorized by ~~sections 4937.01 to 4937.05 of the Revised Code~~ this chapter. The employee shall receive no compensation, but shall receive all ordinary and necessary expenses incurred in performance of such duties, including actual travel expenses. All such expenses shall be paid by the member agency.

(H) The offices of the board shall be located in the offices of the emergency management agency.

Sec. 4939.01. As used in this chapter:

(A) "Utility service provider" means a natural gas company, local exchange telephone company, interexchange telecommunications company, ELECTRIC company, or any other person that occupies a public way to DELIVER natural gas, electric, or telecommunications services.

(B) "Cable operator" has the same meaning as in section 2 of the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522, as amended.

(C) "Public way" means any public street, road, highway, public easement, or public waterway, and includes the entire width of any right of way associated with any public way.

Sec. 4939.02. (A) A utility service provider or cable operator has the right to construct, repair, position, maintain, or operate lines, poles, pipes, conduits, ducts, equipment, and related appurtenances and facilities along, across, over, upon, and under any public way in the state, subject to the applicable provisions of this chapter and any other chapter of the Revised Code. The lines, poles, pipes, conduits, ducts, equipment, and related appurtenances and facilities shall be constructed and positioned in such a way that safety is not unreasonably compromised in the use of the public way.

(B) The state, or any political subdivision of the state, shall not discriminate among utility service providers or cable operators, or grant a preference to any utility service provider or cable operator, in the issuance of permits or the passage of laws, ordinances, or resolutions for the use of public ways, or create or erect any requirements for entry upon and use of the public ways that are not necessary to protect the health, safety, and welfare of the public.

(C) Nothing in this section shall be construed to authorize any utility service provider or cable operator to construct lines, poles, pipes, conduits, ducts, equipment, and related appurtenances and facilities along, across, upon, and under any public way owned by a political subdivision without first obtaining the consent of the political subdivision for such construction,

if consent is required by the political subdivision.

(D) This section does not require any utility service provider or cable operator that, as of the effective date of this section, occupies, or has obtained the consent of a political subdivision to occupy, a PUBLIC way in the political subdivision, to apply for additional or continued consent of the political subdivision as to any existing lines, poles, pipes, conduits, ducts, equipment, and related appurtenances and facilities that are in place on the effective date of this section. The political subdivision shall not discriminate against any other utility service provider or cable operator seeking to use the same public way.

(E) The construction, repair, placement, maintenance, or operation of lines, poles, pipes, conduits, ducts, equipment, and related appurtenances and facilities by a utility service provider or a cable operator is declared to be a matter of statewide concern.

(F) Consent for the use of a public way by a political subdivision shall be based on the lawful exercise of the police power of the political subdivision and shall not be unreasonably withheld, nor shall any preference or disadvantage be created through the granting or withholding of consent. A political subdivision shall grant its consent under this division within thirty days after the date a utility service provider or cable operator applies for consent for the use of a public way.

Sec. 4939.03. (A) A political subdivision of the state shall not levy a tax, fee, or charge or require any nonmonetary compensation or free service for the right or privilege of using or occupying a public way for purposes of delivering natural gas, electric, telecommunications, or cable television service.

(B) A political subdivision may charge a utility service provider or a cable operator a construction permit fee to the extent that such fee applies to all persons seeking a construction permit. The fee shall be limited to the recovery of the direct incremental costs incurred by the political subdivision in inspecting and reviewing any plans and specifications and in granting the associated permit.

(C) A utility service provider or cable operator that places lines, poles, pipes, conduits, ducts, equipment, and related appurtenances and facilities in a public way shall restore the public way to its former state of usefulness. To the extent a utility service provider or cable operator does not comply with this division, a political subdivision may charge the utility service provider or cable operator the necessary costs to restore the public way to its former state of usefulness.

(D) Nothing in this chapter shall be construed to prohibit a political subdivision from doing either of the following:

(1) Charging a cable operator a franchise fee in accordance with section 2 of the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 542,as amended;

(2) allowing a credit, offset, or deduction against the payment of a construction permit fee for any franchise fee a cable operator pays to the political subdivision.

(E) A utility service provider, including a reseller, that does not own, operate, maintain, install, or construct any facility in a public way and that does not otherwise disturb the public way shall not be required to pay a fee or to obtain a construction permit to access the public way.

Sec. 4939.04. Division (A) of section 4939.03 of the Revised Code does not apply to, or otherwise affect, any legal requirement of a political subdivision for the right or privilege of using or occupying a public way, which requirement took effect on or before December 31, 1998. The validity of any such requirement shall be determined in accordance with the law in effect prior to the effective date of this section, as that law may be interpreted at any time.

This section does not apply to any subsequent amendment of such a requirement, or any additional requirement, that takes effect after December 31, 1998.

Sec. 4981.09. ~~(A)~~ There is hereby created in the state treasury the rail development fund. The fund shall consist of such moneys as may be provided by law, including moneys received from the sale, transfer, or lease of any rail property pursuant to section 4981.08 of the Revised Code~~, and amounts transferred pursuant to division (B) of this section~~. Moneys in the fund shall be used for the purpose of acquiring, rehabilitating, or developing rail property or service, or for participation in the acquisition of rail property with the federal government, municipal corporations, townships, counties, or other governmental agencies. For the purpose of acquiring such rail property, the Ohio rail development commission may obtain acquisition loans from the federal government or from any other source.

The fund shall also be used to promote, plan, design, construct, operate, and maintain passenger and freight rail transportation systems, and may be used to pay the administrative costs of the Ohio rail development commission associated with conducting any authorized rail program, and for any purpose authorized by sections 4981.03 and 5501.56 of the Revised Code. The fund shall not be used to provide loan guarantees.

~~(B) Twice each year, by the last day of March for the immediately preceding June through December and by the last day of August for the immediately preceding January through May, the tax commissioner shall certify to the director of budget and management the amounts paid into the general revenue fund pursuant to Chapter 5733. of the Revised Code during those months by taxpayers engaged in the business of owning or operating a railroad either wholly or partially within this state. The certifications shall not include amounts refunded to such taxpayers. Upon receipt of each certification, the director of budget and management shall transfer fifty per cent of the amount certified from the general revenue fund to the rail development fund.~~

Sec. 5101.03. ~~The assistant director of the department of human services is hereby excepted from section 121.05 of the Revised Code.~~ The assistant ~~director~~ directors of the department of human services shall exercise the powers and perform the duties which the director of human services may order ~~and~~. The director is authorized to designate which assistant director shall act as director in the absence or disability of the director~~,~~ or in case of a vacancy in the position of director.

Sec. 5101.072. The department of human services shall collaborate with county departments of human services to develop training for appropriate employees of the county departments regarding the provisions of Sub. H.B. 408 of the 122nd general assembly, and of Sub. H.B. 167 of the 121stgeneral assembly that have not been superseded by Sub. H.B. 408 of

the 122nd general assembly, that impose duties on county departments of human services. After the training is developed, the department shall collaborate with the county departments on providing the training.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability assistance" means financial and medical assistance provided under Chapter 5115. of the Revised Code.

(2) "Food stamps" means the program administered by the department of human services pursuant to section 5101.54 of the Revised Code.

(3) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.

(4) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.

(5) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.

(6) "Public assistance expenditures" means expenditures for all of the following:

(a) Ohio works first;

(b) County administration of Ohio works first;

(c) Prevention, retention, and contingency;

(d) County administration of prevention, retention, and contingency;

(e) Disability assistance;

(f) County administration of disability assistance;

(g) County administration of food stamps;

(h) County administration of medicaid.

(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:

(1) The amount that is twenty-five per cent of the county's total expenditures for disability assistance and county administration of disability assistance during the state fiscal year ending in the previous calendar year that the department of human services determines are allowable.

(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of food stamps and medicaid during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to the county

under division (E) of this section for the state fiscal year ending in the previous calendar year;

(3)(a) Except as provided in division (B)(3)(b) of this section, the actual amount, as determined by the department of human services from expenditure reports submitted to the United States department of health and human services, of the county share of program and administrative expenditures during federal fiscal year 1994 for assistance and services, other than child day-care, provided under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior to the enactment of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105.

(b) For state fiscal years ~~1998~~ 2000 and ~~1999~~ 2001, ~~eighty~~ seventy-seven per cent of the amount determined under division (B)(3)(a) of this section.

(C)(1) If a county's share of public assistance expenditures determined under division (B) of this section for a state fiscal year exceeds one hundred ten per cent of the county's share for those expenditures for the immediately preceding state fiscal year, the department of human services shall reduce the county's share for expenditures under divisions (B)(1) and (2) of this section so that the total of the county's share for expenditures under division (B) of this section equals one hundred ten per cent of the county's share of those expenditures for the immediately preceding state fiscal year.

(2) A county's share of public assistance expenditures determined under division (B) of this section may be increased pursuant to a sanction under section 5101.24 of the Revised Code.

(D)(1) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and division (D)(2) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator is the per capita tax duplicate of the county and the denominator is the per capita tax duplicate of the state as a whole. The department of human services shall compute the per capita tax duplicate for the state and for each county by dividing the tax duplicate for the most recent available year by the current estimate of population prepared by the department of development.

(2) If the percentage of families in a county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state and division (D)(1) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator

is the percentage of families in the state with an annual income of less than three thousand dollars a year and the denominator is the percentage of such families in the county. The department of human services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the department of development, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.

(3) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division (D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a) of this section by the fraction determined under division (D)(2) of this section.

(4) The department of human services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of human services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for administration of food stamps and medicaid that the department determines are allowable administrative expenditures.

(F) The department of human services shall adopt rules in accordance with section 111.15 of the Revised Code to establish all of the following:

(1) The method the department is to use to change a county's share of public assistance expenditures determined under division (B) of this section as provided in division (C) of this section;

(2) The allocation methodology and formula the department will use to determine the amount of funds to credit to a county under this section;

(3) The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis;

(4) Other procedures and requirements necessary to implement this section.

Sec. 5101.18. (A) When the department of human services adopts rules under section 5107.05 regarding income requirements for the Ohio works first program and under section 5115.05 of the Revised Code regarding income and resource requirements for the disability assistance program, the department shall determine what payments shall be regarded or disregarded. In making this determination, the department shall consider:

(1) The source of the payment;

(2) The amount of the payment;

(3) The purpose for which the payment was made;

(4) Whether regarding the payment as income would be in the public interest;

(5) Whether treating the payment as income would be detrimental to any of the programs administered in whole or in part by the department and whether such determination would jeopardize the receipt of any federal grant or payment by the state or any receipt of aid under Chapter 5107. of the Revised Code.

(B) Any ~~participant in the Ohio works first program established under Chapter 5107. of the Revised Code or~~ recipient of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, whose money payment is discontinued as the result of a general increase in old-age, survivors, and disability insurance benefits under such act, shall remain a ~~participant or~~ recipient for the purpose of receiving medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

Sec. 5101.21. (A) As used in sections 5101.21 to 5101.25 of the Revised Code, "county social service agency" and "social service duty" have the same meanings as in section 307.981 of the Revised Code.

(B) The director of human services shall enter into a written partnership agreement with each board of county commissioners regarding the administration and design of the Ohio works first program established under Chapter 5107. of the Revised Code, the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code, duties assumed by a county department of human services pursuant to an agreement entered into under section 329.05 of the Revised Code, and other county department of human services' duties that the director and board mutually agree to include in the agreement. The director and board may include in the partnership agreement provisions regarding the administration and design of the duties of child support enforcement agencies and public

children services agencies included in a plan of cooperation entered into under section 307.983 of the Revised Code that the director and board mutually agree to include in the agreement. Social service duties included in the agreement shall be vested in the board. The agreement shall comply with federal statutes and regulations, state statutes, and, except as provided in division (B)(9) of this section, state rules governing the social service duties included in the agreement.

A partnership agreement shall include responsibilities that the state department of human services and county social service agencies administering social service duties included in the agreement must satisfy. The agreement shall establish, specify, or provide for all of the following:

(1) Requirements governing the administration and design of, and county social service agencies' cooperation to enhance, social service duties included in the agreement;

(2) Outcomes that county social service agencies are expected to achieve from the administration and design of social service duties included in the agreement and assistance, services, and technical support the state department will provide the county social service agencies to aid the agencies in achieving the expected outcomes;

(3) Performance and other administrative standards county social service agencies are required to meet in the design, administration, and outcomes of social service duties included in the agreement and assistance, services, and technical support the state department will provide the county social service agencies to aid the agencies in meeting the performance and other administrative standards;

(4) Criteria and methodology the state department will use to evaluate whether expected outcomes are achieved and performance and other administrative standards are met and county social service agencies will use to evaluate whether the state department is providing agreed upon assistance, services, and technical support;

(5) Annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code for exceeding performance and other administrative standards;

(6) The state department taking action against a county social service agency pursuant to division (B) of section 5101.24 of the Revised Code if division (A)(1), (2), or (3) of that section applies to the agency;

(7) The funding of social service duties included in the agreement and whether the state department will provide funding for two or more county department of human services' duties included in the agreement pursuant to a combined funding allocation under division (C) of this section. The

agreement shall either specify the amount of payments to be made for the social service duties included in the agreement or the method that will be used to determine the amount of payments.

(8) Audits required by federal statutes and regulations and state law and requirements for prompt release of audit findings and prompt action to correct problems identified in an audit;

(9) Which, if any, of the state department's rules will be waived so that a policy provided for in the agreement may be implemented;

(10) The method of amending or terminating the agreement and an expedited process for correcting terms or conditions of the agreement that the director and board agree are erroneous;

(11) Dispute resolution procedures for anticipated and unanticipated disputes. The agreement may establish different dispute resolution procedures for different types of disputes. Dispute resolution procedures may include negotiation, mediation, arbitration, adjudication conducted by a hearing officer or fact-finding panel, and other procedures.

(12) The date the agreement is to commence or end. An agreement may not commence before it is entered into nor end later than the last day of the state fiscal biennium for which it is entered into.

(13) Other provisions determined necessary by the state department and the county social services agency.

(C) The state department shall make payments authorized by a partnership agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out social service duties vested in the board of county commissioners under the agreement, including funds for personal services and maintenance.

To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the department may establish a consolidated funding allocation for two or more of a county department of human services' duties included in the agreement. A county department of human services shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.

(D) The director of human services may enter into partnership agreements with one or more boards of county commissioners at a time but an agreement must be entered into with each board not later than January 1, 2000. Until a partnership agreement with a board is entered into and implemented, a county social service agency serving the county that the board serves shall perform its social service duties in the manner they are performed on ~~the effective date of this section~~ October 1, 1997, with the

exception that a county social services agency may implement changes authorized by federal statutes or regulations, state statutes, or state department rules.

Sec. 5101.22. The department of human services may establish performance and other administrative standards for the administration and outcomes of social service duties and determine at intervals the department decides the degree to which a county social service agency complies with a performance or other administrative standard. The department may use statistical sampling, performance audits, case reviews, or other methods it determines necessary and appropriate to determine compliance with performance and administrative standards.

A performance or other administrative standard established under this section for a social service duty does not apply to a county social service agency administering the duty if a different performance or administrative standard is specified for the agency's administration of the duty pursuant to a partnership agreement entered into under section 5101.21 of the Revised Code.

Sec. 5101.23. Subject to the availability of funds, the department of human services may provide annual financial, administrative, or other incentive awards to county social service agencies that exceed performance and other administrative standards specified in a partnership agreement entered into under section 5101.21 or established under section 5101.22 of the Revised Code. The amount of a financial incentive award shall be based on the degree to which a county social service agency exceeds a performance or other administrative standard and the amount of money available in the social services incentive fund established under this section. A county social service agency may spend funds provided as a financial incentive award only for the purpose for which the funds are appropriated. The department may adopt internal management rules in accordance with section 111.15 of the Revised Code to establish the amounts of awards, methodology for distributing the awards, types of awards, and standards for administration by the department.

There is hereby created in the state treasury the social services incentive fund. The director of human services may request that the director of budget and management transfer funds in the Title IV-A reserve fund created under section 5101.82 of the Revised Code and other funds appropriated for social service duties into the fund. If the director of budget and management determines that the funds identified by the director of human services are available and appropriate for transfer, the director of budget and management shall make the transfer. Money in the fund shall be used to

provide incentive awards under this section.

Sec. 5101.33. (A) As used in this section, "~~public assistance~~ benefits" means ~~cash~~ any of the following:

(1) Cash assistance paid under Chapter 5107. or 5115. of the Revised Code ~~or any~~;

(2) Food stamp benefits provided under section 5101.54 of the Revised Code;

(3) Any other program administered by the department of human services under which ~~cash~~ assistance is ~~paid~~ provided or service rendered;

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.

(B) The ~~director~~ department of human services may make any payment or delivery of ~~public assistance to eligible recipients~~ benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following:

(1) Contracting with an agent to supply debit cards to the department of human services for use by such ~~recipients~~ individuals in accessing their ~~public assistance~~ benefits and to credit such cards electronically with the amounts specified by the director of human services pursuant to law;

(2) Informing such ~~recipients~~ individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their ~~public assistance~~ benefits through the system;

(3) Arranging with specific financial institutions or vendors, ~~or with~~ county departments of human services, or persons or government entities for ~~recipients~~ individuals to have their cards credited electronically with the proper amounts at their facilities;

(4) Periodically preparing vouchers for the payment of such ~~public assistance~~ benefits by electronic benefit transfer;

(5) Satisfying any applicable requirements of federal and state law.

(C) The ~~director of human services or his agent shall inform the auditor of state of the amount of reimbursement that is due each financial institution or vendor that has paid public assistance or aid under former Chapter 5113. of the Revised Code through the medium~~ department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following:

(1) A charge that reimburses the department for all costs the department

incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;

(2) A fee for having the benefits provided through the electronic benefit transfer system.

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 5101.34. (A) There is hereby created in the department of human services the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, human services, rehabilitation and correction, and youth services and the superintendent of public instruction, or their designees;

(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after the effective date of this section. Of the initial appointments to the commission made pursuant to divisions (A)(3), (5), and (6) of this section,

three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed subsequently shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or superintendent a designee represents ceases, to be director or superintendent. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary expenses.

Sec. 5101.341. (A) The Ohio commission on fatherhood annually shall elect a chairperson from among its members. The department of human services shall provide staff and other support services for the commission.

(B) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission.

Sec. 5101.342. The Ohio commission on fatherhood shall do both of the following:

(A) Organize a state summit on fatherhood every four years;

(B)(1) Prepare a report each year that identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:

(a) Build the parenting skills of fathers;

(b) Provide employment-related services for low-income, noncustodial

fathers;

(c) Prevent premature fatherhood;

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;

(e) Reconcile fathers with their families;

(f) Increase public awareness of the critical role fathers play.

(2) The commission shall submit each report prepared pursuant to division (B)(1) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code.

Sec. 5101.343. Section 101.84 of the Revised Code does not apply to the Ohio commission on fatherhood.

Sec. 5101.46. (A) As used in this section:

(1) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended.

(2) "Respective local agency" means, with respect to the department of human services, a county department of human services; with respect to the department of mental health, a board of alcohol, drug addiction, and mental health services; and with respect to the department of mental retardation and developmental disabilities, a county board of mental retardation and developmental disabilities.

(3) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(B) The departments of human services, mental health, and mental retardation and developmental disabilities, with their respective local agencies, shall administer the provision of social services funded through grants made under Title XX. The social services furnished with Title XX funds shall be directed at the following goals:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or

prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(C)(1) All federal funds received under Title XX shall be appropriated as follows:

(a) Seventy-two and one-half per cent to the department of human services;

(b) Twelve and ninety-three one-hundreths per cent to the department of mental health;

(c) Fourteen and fifty-seven one-hundreths per cent to the department of mental retardation and developmental disabilities.

(2) Each state department shall, subject to the approval of the controlling board, develop formulas for the distribution of their Title XX appropriations to their respective local agencies. The formulas shall take into account the total population of the area that is served by the agency, the percentage of the population in the area that falls below the federal poverty guidelines, and the agency's history of and ability to utilize Title XX funds.

(3) Each of the state departments shall expend no more than three per cent of its Title XX appropriation for state administrative costs. Each of the department's respective local agencies shall expend no more than fourteen per cent of its Title XX appropriation for local administrative costs.

(4) The department of human services shall expend no more than two per cent of its Title XX appropriation for the training of the following:

(a) Employees of county departments of human services;

(b) Providers of services under contract with the state departments' respective local agencies;

(c) Employees of a public children services agency directly engaged in providing Title XX services.

(D) The department of human services shall prepare a biennial comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a method for obtaining public comment during the development of the plan and following its completion.

For each state fiscal year, the department of human services shall

re a report on the actual use of Title XX funds. The department shall make the report available for public inspection.

The departments of mental health and mental retardation and developmental disabilities shall prepare and submit to the department of human services the portions of each biennial plan and annual report that apply to services for mental health and mental retardation and developmental disabilities. Each respective local agency of the three state departments shall submit information as necessary for the preparation of biennial plans and annual reports.

(E) Each county department shall adopt a county profile for the administration and provision of Title XX social services in the county. In developing its county profile, the county department shall take into consideration the comments and recommendations received from the public by the county human services planning committee pursuant to section 329.06 of the Revised Code. As part of its preparation of the county profile, the county department may prepare a local needs report analyzing the need for Title XX social services.

The county department shall submit the county profile to the board of county commissioners for its review. Once the county profile has been approved by the board, the county department shall file a copy of the county profile with the state department of human services. The state department shall approve the county profile if the state department determines the profile provides for the Title XX social services to meet the goals specified in division (B) of this section.

(F) Not less often than every two years, the departments of human services, mental health, and mental retardation and developmental disabilities each shall commission an entity independent of itself to conduct an audit of its Title XX expenditures in accordance with generally accepted auditing principles. Within thirty days following the completion of its audit, each department shall submit a copy of the audit to the general assembly and to the United States secretary of health and human services.

(G) Any of the three state departments and their respective local agencies may require that an entity under contract to provide social services with Title XX funds submit to an audit on the basis of alleged misuse or improper accounting of funds. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a provider of social services if there are adverse findings in an audit that are the responsibility of the provider. The amount of any adverse findings shall not be reimbursed with Title XX funds. The cost of conducting an audit shall be reimbursed under a subsequent or amended

Title XX contract with the provider.

(H) If federal funds received by the department of human services for use under Chapters 5107. and 5108. of the Revised Code are transferred by the controlling board for use in providing social services under this section, the distribution and use of the funds are not subject to the provisions of division (C) of this section. The department ~~shall distribute~~ may do one or both of the following with the funds:

(1) Distribute the funds ~~solely~~ to the county departments of human services;

(2) Use the funds for services that benefit individuals eligible for services consistent with the principles of Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(I) The department of human services may adopt rules necessary to carry out the purposes of this section. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code, unless they are internal management rules governing fiscal and administrative matters. Internal management rules may be adopted in accordance with section 111.15 of the Revised Code.

Sec. 5101.50. (A) As used in this section and in sections 5101.51 to 5101.518 of the Revised Code:

(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(B) The director of human services may continue to operate the children's health insurance program initially authorized by an executive order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program shall provide health assistance to uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.501. Health assistance provided under section 5101.50 of the Revised Code shall be known as the children's health insurance program part I.

Sec. 5101.502. The director of human services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the

efficient administration of the children's health insurance program part I, including rules that establish all of the following:

(A) The conditions under which health assistance services will be reimbursed;

(B) The method of reimbursement applicable to services reimbursable under the program;

(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.

Sec. 5101.503. A completed application for medical assistance under Chapter 5111. of the Revised Code shall be treated as an application for health assistance under the children's health insurance program part I if the application is for an assistance group that includes a child under nineteen years of age and is denied.

Sec. 5101.51. In accordance with federal law governing the children's health insurance program, the director of human services may submit a state child health plan to the United States secretary of health and human services to provide, except as provided in section 5101.516 of the Revised Code, health assistance to uninsured individuals under nineteen years of age with family incomes above one hundred fifty per cent of the federal poverty guidelines but not exceeding two hundred per cent of the federal poverty guidelines. If the director submits the plan, the director shall include both of the following in the plan:

(A) The health assistance will not begin before January 1, 2000.

(B) The health assistance will be available only while federal financial participation is available for it.

Sec. 5101.511. Health assistance provided under section 5101.51 of the Revised Code shall be known as the children's health insurance program part II.

Sec. 5101.512. If the director of human services submits a state child health plan to the United States secretary of health and human services under section 5101.51 of the Revised Code and the secretary approves the plan, the director shall implement the children's health insurance program part II in accordance with the plan. The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program, including rules that establish all of the following:

(A) The conditions under which health assistance services will be reimbursed;

(B) The method of reimbursement applicable to services reimbursable under the program;

(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.

Sec. 5101.513. The director of human services may contract with a government entity or person to perform the director's administrative duties regarding the children's health insurance program part II, other than the duty to submit a state child health plan to the United States secretary of health and human services under section 5101.51 of the Revised Code and the duty to adopt rules under section 5101.512 of the Revised Code.

Sec. aa. In accordance with 42 U.S.C.A. 1397aa, the director may provide for health assistance under the children's health insurance program part II to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.515. The director of human services may determine applicants' eligibility for the children's health insurance program part II by any of the following means:

(A) Using employees of the department of human services;

(B) Assigning the duty to county departments of human services;

(C) Contracting with a government entity or person.

Sec. 5101.516. If the director of human services determines that federal financial participation for the children's health insurance program part II is insufficient to provide health assistance to all the individuals the director anticipates are eligible for the program, the director may refuse to accept new applications for the program or may make the program's eligibility requirements more restrictive.

Sec. 5101.517. To the extent permitted by 42 U.S.C.A. 1397cc(e), the director of human services may require an individual receiving health assistance under the children's health insurance program part II to pay a premium, deductible, coinsurance payment, or other cost-sharing expense.

Sec. 5101.518. The director of human services shall establish an appeal process for individuals aggrieved by a decision made regarding eligibility for the children's health insurance program part II. The process may be identical to, similar to, or different from the appeal process established by section 5101.35 of the Revised Code.

Sec. 5101.519. A completed application for medical assistance under Chapter 5111. of the Revised Code shall be treated as an application for health assistance under the children's health insurance program part II if the application is for an assistance group that includes a child under nineteen years of age and is denied.

Sec. 5101.52. Upon the death of a recipient of aid, under Title XVI of

e "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or of any person who would be eligible for such aid except that ~~he~~ the person is a resident of a county home, ~~or~~ any person who received assistance under former Chapter 5105., 5106., or 5151. of the Revised Code, for the month of December, 1973, or a recipient of aid under Chapter 5107. or 5115. of the Revised Code who ~~resides~~ resided in an unincorporated area, ~~application may be made~~ the person entitled to receive payment for funeral, cremation, cemetery, and burial expenses for the deceased recipient may apply to ~~the~~ a county department of human services for state funds to defray ~~the~~ those expenses ~~of burial for such deceased recipient~~. An itemized sworn statement of the total funeral, cremation, cemetery, and burial charges submitted by a funeral director must accompany the application.

The county department that receives the application shall make the determination of whether to approve payment of the funeral, cremation, cemetery, and burial expenses. The county department shall not approve the payment if the recipient, at the time of death, had funds available for the expenses or if the total cost of the expenses exceeds the amount designated in this section. Any person or government entity, other than the state department of human services, may provide contributions, allowances, and grants up to a total amount not to exceed the maximum burial assistance payment under this section and grave space towards items of cremation, cemetery, outside receptacle, and incidental funeral and burial expenses, other than a standard sized casket and professional services of the funeral director. To the extent furnished, such contribution, allowance, grant, or grave space shall not be considered a part of the total funeral, cremation, cemetery, and burial expenses of the deceased recipient. The county department shall approve ~~burial~~ payment of expenses only to the extent of the difference between the resources of the deceased person, in real and personal property and insurance, and the permissible payment for ~~burial and funeral~~ expenses as provided in this section.

A sum not to exceed the following amount may be ordered paid to the proper person to defray the total funeral, cremation, cemetery, and burial expenses of the deceased recipient:

(A) ~~A~~ If the deceased recipient was a recipient of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or ~~of any~~ a person who would ~~be~~ have been eligible for such aid except that ~~he is a resident of~~ the person resided in a county home, ~~or any~~ a person who received assistance under former Chapter 5105., 5106., or 5151. of the Revised Code, for the month of December, 1973, or a recipient of aid under Chapter 5107. or 5115. of the Revised Code who ~~resides~~ resided in an

unincorporated area~~. If such recipient is~~ and was eleven years of age or older, seven hundred fifty dollars.

(B) ~~A~~ If the deceased recipient was a recipient of aid under Chapter 5107. or 5115. of the Revised Code who ~~resides~~ resided in an unincorporated area~~, if such recipient has~~ and had not reached the age of eleven years, five hundred dollars.

~~Such funeral, cremation, cemetery, and burial expense payments shall not be made to the extent that the recipient, at the time of death, had funds available for such purposes. No payment shall be made by the department if the total cost of the funeral, cremation, cemetery, and burial expenses exceeds the amount designated under this section. Contributions, allowances, and grants up to a total amount not to exceed the maximum burial assistance payment under this section and grave space may be furnished by any source, other than the department, towards items of cremation, cemetery, outside receptacle, incidental funeral and burial expenses, other than a standard sized casket and professional services of the funeral director, and to the extent so furnished shall not be considered as a part of the total funeral, cremation, cemetery, and burial expenses of such deceased recipient. Application for state funds shall be filed by the proper person entitled to receive payment for funeral and burial expenses. An itemized sworn statement of the total funeral, cremation, cemetery, and burial charges shall be submitted by the funeral director.~~

Sec. 5101.541. (A) The department of human services shall establish, by rule, effective July 1, 1981, a system of mail issuance of food stamp allotments utilizing direct coupon mailing. The county department of human services shall administer the mailing of such coupons under the supervision of the department of human services. The system shall provide for redetermination of eligibility at the same intervals as are in effect on March 23, 1981 or at such other intervals as may be required by federal law or regulation.

(B) The department of human services shall provide an alternative system to the system of mail issuance established in division (A) of this section in counties where any of the following apply:

(1) The department can document, after notice and hearing, significant diminution of demand for mail issuance of food stamp coupons; ~~or~~

(2) The loss rate for coupons issued through the mail exceeds any tolerable loss rate which may be established by rule of the United States department of agriculture;

(3) The department provides for food stamp benefits to be distributed through the medium of electronic benefit transfer in the county pursuant to

section 5101.33 of the Revised Code.

(C) The county department of human services shall issue to each household or the household's authorized representative for coupon issuance, at the time eligibility for food stamps is established, an identification card. The card shall be issued in the name of the household member to whom food stamp coupons are issued or the authorized representative.

Sec. 5101.544. If the benefits of a household are reduced under a federal, state, or local means-tested public assistance program for failure of a member of the household to perform an action required under the program, the household may not receive, for the duration of the reduction, an increased allotment of food stamp benefits as the result of a decrease in the income of the household to the extent that the decrease is the result of the reduction. ~~To the extent federal law and regulations or a federal waiver permit, an incentive payment under the LEAP program established under section 5107.30 of the Revised Code shall not result in a decrease in the allotment of food stamp benefits a household receives.~~

The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall be consistent with 7 U.S.C.A. 2017(d)~~,~~ and federal regulations~~, and the terms and conditions of the federal waiver authorizing the LEAP program~~.

Sec. 5101.83. (A) As used in this section:

(1) "Assistance group" has the same meaning as in sections 5107.02 and 5108.01 of the Revised Code.

(2) "Fraudulent assistance" means assistance and services, including cash assistance, provided under the Ohio works first program established under Chapter 5107., or the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirements. "Fraudulent assistance" does not include assistance or services to or on behalf of an assistance group that is provided as a result of an error that is the fault of a county department of human services or the state department of human services.

(B) If a county director of human services determines that an assistance group has received fraudulent assistance, the assistance group is ineligible to participate in the Ohio works first program or the prevention, retention, and contingency program until a member of the assistance group repays the cost of the fraudulent assistance. If a member repays the cost of the fraudulent assistance and the assistance group otherwise meets the eligibility requirements for the Ohio works first program or the prevention, retention,

and contingency program, the assistance group shall not be denied the opportunity to participate in the program.

This section does not limit the ability of a county department of human services to recover erroneous payments under section ~~5107.77~~ 5107.76 of the Revised Code.

The state department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5101.85. As used in sections 5101.851 to 5101.854 of the Revised Code, "kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

(A) The following individuals related by blood or adoption to the child:

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(2) Siblings;

(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(4) First cousins and first cousins once removed.

(B) Stepparents and stepsiblings of the child;

(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;

(D) a Legal guardian of the child;

(E) a Legal custodian of the child.

Sec. 5101.851. There is hereby created the kinship care services planning council in the department of human services. the following shall serve on the council:

(A) the SUPERINTENDENT of public instruction and the directors of human services, youth services, health, mental health, alcohol and drug addiction services, mental retardation and developmental disabilities, and aging or the superintendent's or directors' designees;

(B) rEPRESENTATIVES OF THE FOLLOWING AS APPOINTED BY THE DIRECTOR OF HUMAN SERVICES NOT LATER THAN AUGUST 30, 1999:

(1) pUBLIC CHILDREN SERVICES AGENCIES;

(2) cOUNTY DEPARTMENTS OF HUMAN SERVICES;

(3) cHILD SUPPORT ENFORCEMENT AGENCIES;

(4) aREA AGENCIES ON AGING;

(5) lEGAL AID SOCIETIES;

(6) oRGANIZATIONS THE DIRECTOR DETERMINES SHOULD BE REPRESENTED ON THE COUNCIL.

sec. 5101.852. Based on the report of the grandparents raising

grandchildren task force created by am. sub. h.b. 215 of the 122nd general assembly, the kinship care services planning council shall make recommendations to the director of human services that specify the types of services that should be included as part of a program providing support services to kinship caregivers.

The council shall make its recommendations to the director of human services no later than December 31, 1999. the council shall cease to exist on the date it makes the recommendations.

Sec. 5101.853. (A) as used in this section, "qualified state expenditures" has the meaning provided by section 409(a)(7)(B)(i) of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C.A. 609(a)(7)(b)(i).

(B) Using qualified state expenditures and based on the recommendations of the kinship care services planning council, the department of human services shall establish a program providing support services to kinship caregivers that addresses the needs of those caregivers. The department shall establish the program no later than March 31, 2000. The program shall provide support services that include the following:

(1) Publicly funded child day-care;

(2) Respite care;

(3) TRAINING related to caring for special needs children;

(4) A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;

(5) Legal services.

Sec. 5101.854. The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the program to provide support services to kinship caregivers. to the extent permitted by federal law and the Revised Code, the rules may expand eligibility for programs administered by the department in a manner making kinship caregivers eligible for the programs.

Sec. ~~4~~ 5101.86. ~~4~~ 5101.86 (A) As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States ~~Secretary~~ secretary of ~~Health~~ health and ~~Human Services~~ human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(B) The ~~Department~~ department of ~~Human Services~~ human services shall establish the ~~Non-TANF Emergency Assistance Program~~ adult emergency assistance program with funds ~~in appropriation line item~~

~~0-512, Non-TANF Emergency Assistance~~ appropriated by the general assembly.

Funds appropriated for the ~~Non-TANF Emergency Assistance Program~~ program shall be used to assist persons ~~age eighteen or older who are not eligible for assistance under the Temporary Assistance for Needy Families Program authorized by Executive Order 96-73V and have incomes not greater than 40 per cent of the poverty guideline~~ eligible for the program with emergency needs, including food, clothing, shelter, and other essential goods or services. The funds shall be used for direct payments to, or on behalf of, eligible persons. A person is eligible for the program if the person meets all of the following requirements:

(1) The person is at least eighteen years of age;

(2) The person is not a parent residing with the parent's child;

(3) The person does not have income greater than forty per cent of the poverty guideline, unless the person is sixty-five years of age or older and receiving supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended.

(C) As soon as possible after the start of each fiscal ~~years 1998 and 1999~~ year, the ~~Department~~ department shall distribute, in a single payment, the funds appropriated that fiscal year for the ~~Non-TANF Emergency Assistance Program~~ program to the Ohio ~~State Set-Aside Committee~~ state set-aside committee of the ~~Federal Emergency Management Agency~~ federal emergency management agency or to a fiscal agent designated by the ~~Committee~~ committee. The ~~Committee~~ committee shall determine the amount of the appropriation to be allocated to each county, and the ~~Committee~~ committee or its fiscal agent shall distribute the allocations to the counties. Each county's allocation shall be paid to a nonprofit entity that serves as the county's emergency food and shelter board or to a fiscal agent designated by the entity. If an entity serves as the emergency food and shelter board for more than one county, the allocation for each of those counties shall be paid to that entity.

The ~~Committee~~ committee may reallocate funds during a fiscal ~~years 1998 and 1999~~ year based on its determination of local needs and expenditures.

The ~~Committee~~ committee or its fiscal agent may use up to three per cent of the ~~fiscal years 1998 and 1999 appropriation~~ amount appropriated for a fiscal year for administrative expenses. The ~~Committee~~ committee may allow any county entity receiving funds under this section ~~in fiscal years 1998 and 1999~~, the entity's fiscal agent, or an entity designated by the county entity to use up to four per cent of the county's allocation for

administrative expenses.

(D) If any local entity returns unexpended ~~fiscal year 1998 Non-TANFEmergency Assistance~~ funds for the program to the ~~State Set-Aside Committee~~ committee, the ~~Committee~~ committee shall return the funds to the department. The department shall seek approval from the ~~Controlling Board~~ controlling board to transfer the unexpended funds to increase ~~the~~ that fiscal ~~year 1999~~ year's appropriation for ~~Non-TANF Emergency Assistance~~ the program. If the ~~Controlling Board~~ controlling board approves the increase, the ~~Department~~ department shall distribute the increased appropriation to the ~~Committee~~ committee or its fiscal agent. The ~~Committee~~ committee may allocate, distribute, and reallocate the additional funds in the same manner as other ~~fiscal year 1999 Non-TANF Emergency Assistance~~ funds appropriated that fiscal year for the program.

(E) Each entity receiving funds under this section shall report to the ~~Set-Aside Committee~~ committee, in the form and manner required by the ~~Committee~~ committee, information regarding the entity's use of the funds. The ~~Committee~~ committee shall compile the information received from these reports and provide it to the ~~Department~~ department and the ~~General Assembly~~ general assembly. The ~~Committee~~ committee shall provide the ~~Department~~ department and the ~~General Assembly~~ general assembly with the information no later than the thirtieth day of September ~~30~~ of each fiscal year.

Sec. 5101.93. (A) There is hereby established a welfare oversight council consisting of eight voting members, four of whom shall be members of the house of representatives, two appointed by the speaker and two appointed by the minority leader of the house of representatives, not more than two of whom shall be members of the same political party, and four of whom shall be members of the senate, two appointed by the president and two appointed by the minority leader of the senate, not more than two of whom shall be members of the same political party. The director of administrative services, the administrator of the bureau of employment services, and the director of human services shall be ex officio nonvoting members and two representatives of the general public appointed by the governor shall be nonvoting members of the council. The council may, by a majority vote, add other nonvoting members to the council. A vacancy on the council shall be filled in the same manner as the original appointment.

(B) The speaker of the house of representatives shall designate the initial chairperson of the welfare oversight council and the president of the senate shall designate the initial vice-chairperson of the council. Thereafter, the authority to designate the chairperson and the vice-chairperson shall

alternate between the speaker of the house and the president of the senate. The chairperson and vice-chairperson and other members of the council shall serve one-year terms.

The council shall meet at least four times a year in Columbus or other locations selected by the chairperson to monitor and review the Ohio works first program established under Chapter 5107. of the Revised Code, including sanctions imposed under section 5107.16 of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; and the department of human services, county departments of human services, child support enforcement agencies, and public children services agencies. The council may visit the department, county departments, and agencies.

The chairperson of the council shall determine the agenda for each meeting of the council, except that if at least four legislative members of the council submit a written request to the chairperson to consider an item, the chairperson shall place the item on the agenda of the council's next regularly scheduled meeting occurring more than ten days after the written request is submitted to the chairperson.

(C) The members of the welfare oversight council shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties. In the discharge of its duties the council may issue subpoenas compelling the attendance of witnesses and the production of any records of the department of human services or local agencies. The council shall adopt rules to implement this section.

(D) The welfare oversight council shall advise the general assembly on the performance of the department of human services, county departments of human services, child support enforcement agencies, and public children services agencies. The council shall submit recommendations to the general assembly for any changes in law that the council considers necessary or appropriate. ~~Between lines 9,970a and 9,979, insert:~~

Sec. 5104.30. (A) The department of human services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child day-care in this state. Publicly funded child day-care shall be provided to the following:

(1) Recipients of transitional child day-care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child day-care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

~~(4)~~(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child day-care, if the director of human services determines that the application is necessary. For purposes of this section, the department of human services may enter into agreements with other state agencies that are involved in regulation or funding of child day-care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child day-care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child day-care.

(B) The department of human services shall distribute state and federal funds for publicly funded child day-care, including appropriations of state funds for publicly funded child day-care and appropriations of federal funds for publicly funded child day-care under Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended, and the child care block grant act. The department may use any state funds appropriated for publicly funded child day-care as the state share required to match any federal funds appropriated for publicly funded child day-care.

(C) The department may use federal funds available under the child care block grant act to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child day-care.

Not more than five per cent of the aggregate amount of those federal funds received for a fiscal year may be expended for administrative costs. The department shall allocate and use at least four per cent of the federal funds for the following:

(1) Activities designed to provide comprehensive consumer education to parents and the public;

(2) Activities that increase parental choice;

(3) Activities, including child day-care resource and referral services, designed to improve the quality, and increase the supply, of child day-care.

(D) The department shall ensure that any federal funds received by the state under the child care block grant act will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of that act for publicly funded child day-care and related programs. A county department of human services may purchase child day-care from funds obtained through any other means.

(E) The department shall encourage the development of suitable child day-care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child day-care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child day-care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child day-care. The department of human services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of human services to fulfill its duties and responsibilities under this chapter.

The department may develop and maintain a registry of persons providing child day-care and may adopt rules pursuant to Chapter 119. of the Revised Code establishing procedures and requirements for its administration.

(F) The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for determining rates of reimbursement and a procedure for paying providers of publicly funded child day-care. In establishing rates of reimbursement pursuant to this division, the department shall use the information obtained under division (B)(3) of section 5104.04 of the Revised Code and may establish different rates of reimbursement based on the geographic location of the provider, type of care provided, age of the child served, special needs of the child, whether expanded hours of service are provided, whether weekend service is provided, whether the provider has exceeded the minimum requirements of state statutes and rules governing child day-care, and any other factors the department considers appropriate. The department shall establish an enhanced rate of reimbursement for providers who provide child day-care for caretaker parents who work nontraditional hours. For a type B family

day-care home that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, the department shall adopt rules establishing a reimbursement rate that is the greater of the rate that was in effect for the home on October 1, 1997, or seventy-five per cent of the reimbursement rate that applies to a type B family day-care home certified by the same county department of human services pursuant to section 5104.11 of the Revised Code.

Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child day-care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, or licensed school child program and the county department of human services. A county department of human services may enter into a contract with a provider for publicly funded child day-care for a specified period of time or upon a continuous basis for an unspecified period of time. All contracts for publicly funded child day-care shall be contingent upon the availability of state and federal funds. The department of human services shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child day-care, regardless of the source of public funds used to purchase the child day-care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds, all contracts for publicly funded child day-care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds.

(B) Each contract for publicly funded child day-care shall specify at least the following:

(1) Except as provided in division (B)(2) of this section, that the provider of publicly funded child day-care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child day-care or the rate of reimbursement established pursuant to section 5104.30 of the Revised Code;

(2) If the provider provides publicly funded child day-care to caretaker parents who work nontraditional hours, that the provider is to be paid for rendering services to those caretaker parents at the rate of reimbursement established pursuant to section 5104.30 of the Revised Code regardless of whether that rate is higher than the rate the provider customarily charges for children enrolled for child day-care;

(3) That, if a provider provides child day-care to an individual potentially eligible for publicly funded child day-care who is subsequently determined to be eligible, the county department agrees to pay for all child day-care provided between the date the county department receives the individual's completed application and the date the individual's eligibility is determined;

(4) Whether the county department of human services, the provider, or a child day-care resource and referral service organization will make eligibility determinations, whether the provider or a child day-care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child day-care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(5) That the provider shall continue to be licensed, approved, or certified pursuant to this chapter or sections 3301.52 to 3301.59 of the Revised Code and shall comply with all standards and other requirements in this chapter and those sections and in rules adopted pursuant to this chapter or those sections for maintaining the provider's license, approval, or certification;

(6) Whether the provider will be paid by the county department of human services or the state department of human services;

(7) That the contract is subject to the availability of state and federal funds;

(8) That, for each six-month period the provider provides publicly funded child day-care to a child, the provider will be paid for up to ten days, or, at the option of the county department, a greater number of days, the provider would have provided the child publicly funded child day-care had the child been present.

(C) Unless specifically prohibited by federal law, the county department of human services shall give individuals eligible for publicly funded child day-care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child day-care under section 5104.31 of the Revised Code. Providers of publicly funded child day-care may present these certificates for payment for reimbursement in accordance with rules that the department of human services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lower of the rate customarily charged by the provider or the rate of reimbursement established pursuant to section 5104.30 of the

Revised Code, unless the provider provides publicly funded child day-care to caretaker parents who work nontraditional hours, in which case the value of the certificate for payment for the services to those caretaker parents shall be based on the rate of reimbursement established pursuant to that section regardless of whether that rate is higher than the rate customarily charged by the provider. The county department may provide the certificates for payment to the individuals or may contract with child day-care providers or child day-care resource and referral service organizations that make determinations of eligibility for publicly funded child day-care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates for payment to individuals whom they determine are eligible for publicly funded child day-care.

For each six-month period a provider of publicly funded child day-care provides publicly funded child day-care to the child of an individual given certificates of payment, the individual shall provide the provider certificates for days the provider would have provided publicly funded child day-care to the child had the child been present. County departments shall specify the maximum number of days providers will be provided certificates of payment for days the provider would have provided publicly funded child day-care had the child been present. The maximum number of days shall be at least ten.

Sec. 5104.34. (A)(1) Each county department of human services shall implement procedures for making determinations of eligibility for publicly funded child day-care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child day-care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of human services in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child day-care, may contract with child day-care providers or child day-care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child day-care providers or child day-care resource and referral service organizations for the providers or resource and referral

ervice organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child day-care provider or a child day-care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county ~~and may assign employees of the department to hours of employment outside the normal working hours of the department~~ to collect information relevant to applications for publicly funded child day-care and to make eligibility determinations. The county department, child day-care provider, and child day-care resource and referral service organization shall make each determination of eligibility for publicly funded child day-care no later than thirty days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child day-care of the results of the determination of the applicant's eligibility.

On or before October 1, 1991, the department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of human services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective action specified by the department.

(2) All eligibility determinations for publicly funded child day-care shall be made in accordance with rules adopted by the department of human services pursuant to division (A) of section 5104.38 of the Revised Code and, if a county department of human services specifies, pursuant to rules adopted under division (B) of that section, a maximum amount of income a family may have to be eligible for publicly funded child day-care, the income maximum specified by the county department. Publicly funded child day-care may be provided only to eligible infants, toddlers, preschool

children, and school children under age thirteen. For an applicant to be eligible for publicly funded child day-care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child day-care. This restriction does not apply to families whose children are eligible for protective or special needs day-care.

Subject to available funds, a county department of human services shall allow a family to receive publicly funded child day-care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child day-care is subject to available funds unless the family is receiving ~~transitional~~ child day-care ~~as provided under this section, participating in the Ohio works first program established under Chapter 5107. of the Revised Code, or was receiving publicly funded child day-care on October 1, 1997, and has a family income below one hundred fifty per cent of the federal poverty line~~ pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child day-care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child day-care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child day-care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child day-care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child day-care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child day-care.

(B) To the extent permitted by federal law, a county department of human services may require a caretaker parent determined to be eligible for publicly funded child day-care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. Each county department shall make protective day-care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child day-care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training.

(D) If a county department of human services determines that available resources are not sufficient to provide publicly funded child day-care to all eligible families who request it, the county department may establish a waiting list. A county department may establish separate waiting lists within the waiting list based on income. When resources become available to provide publicly funded child day-care to families on the waiting list, a county department that establishes a waiting list shall assess the needs of the next family scheduled to receive publicly funded child day-care. If the assessment demonstrates that the family continues to need and is eligible for publicly funded child day-care, the county department shall offer it to the family. If the county department determines that the family is no longer eligible or no longer needs publicly funded child day-care, the county department shall remove the family from the waiting list.

(E) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code or, if a county department of human services specifies a higher amount pursuant to rules adopted under division (B) of that section, the amount the county department specifies.

Sec. 5104.341. (A) Except as provided in division (B) of this section, both of the following apply:

(1) An eligibility determination made under section 5104.34 of the Revised Code for publicly funded child day-care is valid for one year;

(2) A fee charged under division (B) of section 5104.34 of the Revised Code shall not be changed during the one-year period, unless a caretaker parent requests that the fee be reduced due to changes in income, family size, or both and the county department of human services approves the reduction.

(B) Division (A) of this section does not apply in either of the following circumstances:

(1) The publicly funded child day-care is provided under division (B)(4) of section 5104.35 of the Revised Code;

(2) The recipient of the publicly funded child day-care ceases to be eligible for publicly funded child day-care.

Sec. 5104.38. In addition to any other rules adopted under this chapter, the department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative

requirements for publicly funded child day-care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child day-care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective day-care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. ~~The~~ Until July 1, 2000, the maximum amount shall not exceed one hundred eighty-five per cent of the federal poverty line. Effective July 1, 2000, the maximum amount shall not exceed two hundred per cent of the federal poverty line.

(B) Procedures under which a county department of human services may, if the department, under division (A) of this section, specifies a maximum amount of income a family may have for eligibility for publicly funded child day-care that is less than ~~one hundred eighty-five per cent of the federal poverty line~~ the maximum amount specified in that division, specify a maximum amount of income a family residing in the county the county department serves may have for initial and continued eligibility for publicly funded child day-care that is higher than the amount specified by the department but does not exceed ~~one hundred eighty-five per cent of the federal poverty line~~ the maximum amount specified in division (A) of this section;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child day-care according to income and family size, which shall be uniform for all types of publicly funded child day-care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child day-care from that provider~~;~~. The schedule of fees may not provide for a caretaker parent to pay a fee that exceeds ten per cent of the parent's family income.

(D) A formula based upon a percentage of the county's total expenditures for publicly funded child day-care for determining the maximum amount of state and federal funds appropriated for publicly funded child day-care that a county department may use for administrative purposes;

(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child day-care;

(F) Procedures to be followed in establishing state or local programs

designed to assist individuals who are eligible for publicly funded child day-care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child day-care;

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child day-care;

(H) Procedures for establishing a child day-care grant or loan program in accordance with the child care block grant act;

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;

(J) A definition of "person who stands in loco parentis" for the purposes of division (HH)(1) of section 5104.01 of the Revised Code;

(K) Procedures for a county department of human services to follow in making eligibility determinations and redeterminations for publicly funded child day-care available through telephone, computer, and other means at locations other than the county department;

(L) Any other rules necessary to carry out sections 5104.30 to 5104.39 of the Revised Code.

Sec. 5107.02. As used in this chapter:

(A) "Adult" means an individual who is not a minor child.

(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.

(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

(D) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.

(E) "Minor child" means either of the following:

(1) An individual who has not attained age eighteen;

(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

~~(D)~~(F) "Minor head of household" means a minor child who is a parent of a child included in the same assistance group that does not include an adult.

~~(E)~~(G) "Ohio works first" means the program established by this chapter

known as temporary assistance for needy families in Title IV-A.

~~(F)~~(H) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.

~~(G)~~(I) "Specified relative" means the following individuals who are age eighteen or older:

(1) The following individuals related by blood or adoption:

(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great~~;~~";

(b) Siblings;

(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great~~,~~," "grand," or "great-grand~~;~~";

(d) First cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in division ~~(G)~~(I)(1) or (2) of this section.

~~(H)~~(J) "Title IV-A" or "Title IV-D" ~~mean~~ means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

Sec. 5107.05. The department of human services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department and county departments of human services shall be adopted in accordance with section 111.15 of the Revised Code.

(A) The rules shall specify, establish, or govern all of the following:

(1) A payment standard for Ohio works first based on federal and state appropriations;

(2) The method of determining the amount of cash assistance an assistance group receives under Ohio works first;

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition. The rules regarding income shall specify what is countable income, gross earned income, and gross unearned income

for the purpose of section 5107.10 of the Revised Code.

(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain~~;~~. If there are at least two telephone numbers available that a county department of human services can call to contact members of an assistance group, which may include the telephone number of an individual who can contact an assistance group member for the county department, the minimum information shall include at least those two telephone numbers.

(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of human services of additional income not previously reported to the county department;

(6) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;

(7) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate. The rule shall be consistent with 42 U.S.C.A. 654(29).

(8) The administration of the LEAP program provided for under section 5107.30 of the Revised Code;

(9) Circumstances under which a county department of human services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. Circumstances shall include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.

(10) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code.

(B) The rules may provide that a county department of human services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment that is below an amount the department specifies.

Sec. 5107.10. (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section

5107.05 of the Revised Code.

(2) "Gross income" means gross earned income and gross unearned income.

(3) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a ~~custodial~~ parent~~, legal guardian~~, or specified relative caring for the child, OR, TO THE EXTENT PERMITTED BY TITLE IV-A AND FEDERAL REGULATIONS ADOPTED UNDER TITLE IV-a, resides with a GUARDIAN OR CUSTODIAN caring for the child;

(b) A ~~specified relative of a~~ parent residing with and caring for the parent's minor child ~~receiving~~ who receives supplemental security income under Title ~~XIV~~ XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local ~~foster care or~~ adoption assistance ~~who resides with and cares for the minor child~~;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(d) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections 5101.19, 5101.58, 5101.59, and 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(3) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of human services shall do the following:

(a) Determine whether the assistance group's gross income exceeds the following amount:

Size of Assistance Group	Gross Income
1	$423
2	$537
3	$630
4	$750
5	$858
6	$942
7	$1,038
8	$1,139
9	$1,241
10	$1,343
11	$1,440
12	$1,542
13	$1,643
14	$1,742
15	$1,844

For each person in the assistance group that brings the assistance group to more than fifteen persons, add one hundred two dollars to the amount of gross income for an assistance group of fifteen specified in division (D)(1)(a) of this section.

In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds the amount specified in division (D)(1)(a) of this section.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed the amount specified in that division, determine whether the assistance group's

ountable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of human services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard the first two hundred fifty dollars and fifty per cent of the remainder of the assistance group's gross earned income ~~for the first eighteen months after the first month the assistance group receives gross earned income while participating in Ohio works first~~. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(3) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of human services shall use the income requirement established by division (D)(2) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of human services at the time the agency removes the children that it believes the children will be able to return to the assistance group within ~~three~~ six months;

(b) Informs the county department at the end of ~~both~~ each of the first ~~two~~ five months after the agency removes the children that the parent, ~~legal~~ guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than ~~three~~ six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5107.11. (A) A specified relative of a minor child residing with the minor child is not required to be included in the minor child's assistance

group. To the extent permitted by rules adopted under section 5107.05 of the Revised Code governing assistance group composition requirements and except as provided in division (B) of this section, the specified relative may choose to be included in the minor child's assistance group.

(B) If a specified relative resides with the specified relative's own minor child and another minor child who is related to the specified relative in a manner that makes the specified relative a specified relative, the specified relative shall be, to the extent provided by rules adopted under section 5107.05 of the Revised Code governing assistance group composition requirements, a member of the assistance group of the specified relative's own minor child but may not be a member of the other minor child's assistance group.

(C) A guardian or custodian may not be a member of the assistance group of the minor child for whom the guardian or custodian is guardian or custodian, unless the guardian or custodian is a specified relative of the minor child.

Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of human services shall sanction the assistance group as follows:

(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month or until the failure or refusal ceases, whichever is longer;

(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer;

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.

(B) Each county department of human services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract.

(1) In the case of a failure or refusal to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code, good cause shall include, except as provided in division (B)(2) of this section, the following:

(a) Failure of the county department to place the member in an activity;

(b) Failure of the county department to provide for the assistance group to receive support services the county department determines under section 5107.66 of the Revised Code to be necessary. In determining whether good cause exists, a county department shall determine that day care is a necessary support service if a single custodial parent caring for a minor child under age six proves a demonstrated inability, as determined by the county department, to obtain needed child care for one or more of the following reasons:

(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;

(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;

(iii) Unavailability of appropriate and affordable formal child care arrangements.

(2) Good cause does not exist if the member of the assistance group is placed in a work activity established under section 5107.58 of the Revised Code and exhausts the support services available for that activity.

(C) When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding a sanction under this section, the hearing officer, director of human services, or director's designee shall base the decision in the hearing or appeal on the county department's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the county department provides the hearing officer, director, or director's designee a copy of the county department's good cause standards.

(D) After sanctioning an assistance group under division (A) of this section, a county department of human services shall continue to work with the assistance group to provide the member of the assistance group who caused the sanction an opportunity to demonstrate to the county department a willingness to cease the failure or refusal to comply with the self-sufficiency contract.

(E)~~(1) A minor child eligible for medical assistance pursuant to division (A)(1)(b) of section 5111.01 of the Revised Code who would be eligible to participate in Ohio works first if not for a sanction under this section does not lose eligibility for medical assistance.~~

~~5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section loses eligibility for medical assistance unless the adult is otherwise eligible for medical assistance pursuant to another division of section 5111.01 of the Revised Code.~~

~~(3)~~ An adult eligible for medical assistance pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for medical assistance unless the adult is otherwise eligible for medical assistance pursuant to another division of section 5111.01 of the Revised Code.

(F) An assistance group that would be participating in Ohio works first if not for a sanction under this section shall continue to be eligible for all of the following:

(1) Publicly funded child day-care in accordance with division (A)(3) of section 5104.30 of the Revised Code;

(2) Support services in accordance with section 5107.66 of the Revised Code;

(3) To the extent permitted by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to participate in work activities, developmental activities, and alternative work activities in accordance with sections 5107.40 to 5107.69 of the Revised Code.

Sec. 5107.161. Before a county department of human services sanctions an assistance group under section 5107.16 of the Revised Code, the county department shall provide the assistance group written notice of the sanction. The written notice shall include a provision printed in bold type face that informs the assistance group that it may request a face-to-face meeting with the county department not later than ten days after receiving the written notice to explain why the assistance group believes it should not be sanctioned. The written notice shall include the telephone numbers of the assistance group's caseworker and of an Ohio works first ombudsperson provided for under section 329.07 of the Revised Code who the assistance group may call if unable to contact the caseworker and the toll-free telephone number of the state department of human services.

Sec. 5107.162. If an assistance group requests a meeting with a county department of human services not later than ten days after receiving under section 5107.161 of the Revised Code written notice of a sanction, the county department shall schedule the meeting and postpone imposition of the sanction until the date the meeting is scheduled to be held.

Sec. 5107.17. An assistance group that resumes participation in Ohio works first following a sanction under section 5107.16 of the Revised Code is not required to do either of the following:

(A) Reapply under section 5107.12 of the Revised Code, unless it is the assistance group's regularly scheduled time for an eligibility redetermination;

(B) Enter into a new self-sufficiency contract under section 5107.14 of the Revised Code, unless the county department determines it is time for a new appraisal under section 5107.41 of the Revised Code or the assistance group's circumstances have changed in a manner necessitating an amendment to the self-sufficiency contract as determined using procedures included in the contract under division (I) of section 5107.14 of the Revised Code.

Sec. 5107.22. As used in this section, "caretaker" means the parent of a minor child or a relative acting in the parent's place. ~~Unless~~

Unless good cause for failure or refusal exists as determined pursuant to rules adopted under section 5107.05 of the Revised Code, the caretaker of a minor child shall cooperate, if the caretaker is a member of the child's assistance group, in establishing the child's paternity and establishing, modifying, and enforcing a support order for the child. The child support enforcement agency with responsibility for administering the assistance group's paternity and support order requirements shall determine whether the caretaker is cooperating under this section. Cooperation includes providing sufficient information available to the caretaker to verify the identity of the minor child's father and establish, modify, and enforce a support order.

A child support enforcement agency shall notify the county department of human services serving the county in which a caretaker resides if the agency determines that the caretaker has failed or refused to cooperate under this section without good cause and the caretaker is a member of an assistance group participating in Ohio works first.

Sec. 5107.24. (A) As used in this section:

(1) "Adult-supervised living arrangement" means a family setting approved, licensed, or certified by the department of human services, the department of mental health, the department of mental retardation and developmental disabilities, the department of youth services, a public children services agency, a private child placing agency, or a private noncustodial agency that is maintained by a person age eighteen or older who assumes responsibility for the care and control of a minor parent, pregnant minor, or child of a minor parent or provides the minor parent,

pregnant minor, or child of a minor parent supportive services, including counseling, guidance, and supervision. "Adult-supervised living arrangement" does not mean a public institution.

(2) "Child of a minor parent" means a child born to a minor parent, except that the child ceases to be considered a child of a minor parent when the minor parent attains age eighteen.

(3) "Minor parent" means a parent who is under age eighteen and is not married.

(4) "Pregnant minor" means a pregnant person who is under age eighteen and not married.

(B)(1) Except as provided in division (B)(2) of this section AND TO THE EXTENT PERMITTED BY TITLE IV-A AND FEDERAL REGULATIONS ADOPTED UNDER TITLE IV-A, a pregnant minor, minor parent, or child of a minor parent must reside in a place of residence maintained by a parent, ~~legal~~ guardian, custodian, or specified relative of the pregnant minor or minor parent as the parent's, guardian's, custodian's, or specified relative's own home to be eligible to participate in Ohio works first.

(2) ~~A~~ TO THE EXTENT PERMITTED BY TITLE IV-A AND FEDERAL REGULATIONS ADOPTED UNDER it, A pregnant minor, minor parent, or child of a minor parent is exempt from the requirement of division (B)(1) of this section if any of the following apply:

(a) The minor parent or pregnant minor does not have a parent, ~~legal~~ guardian, custodian, or specified relative living or whose whereabouts are known.

(b) No parent, ~~legal~~ guardian, custodian, or specified relative of the minor parent or pregnant minor will allow the pregnant minor, minor parent, or minor parent's child to live in the parent's, ~~legal~~ guardian's, custodian's or specified relative's home.

(c) The department of human services, a county department of human services, or a public children services agency determines that the physical or emotional health or safety of the pregnant minor, minor parent, or minor parent's child would be in jeopardy if the pregnant minor, minor parent, or minor parent's child lived in the same home as the parent, ~~legal~~ guardian, custodian, or specified relative.

(d) The department of human services, a county department of human services, or a public children services agency otherwise determines that it is in the best interest of the pregnant minor, minor parent, or minor parent's child to waive the requirement of division (B)(1) of this section.

(C) A pregnant minor, minor parent, or child of a minor parent exempt

from the requirement of division (B)(1) of this section must reside in an adult-supervised living arrangement to be eligible to participate in Ohio works first.

(D) The department of human services, whenever possible AND TO THE EXTENT PERMITTED BY TITLE IV-A AND FEDERAL REGULATIONS ADOPTED UNDER it, shall provide cash assistance under Ohio works first to the parent, ~~legal~~ guardian, custodian, or specified relative of a pregnant minor or minor parent on behalf of the pregnant minor, minor parent, or minor parent's child.

Sec. 5107.26. (A) As used in this section:

(1) "Transitional child day-care" means publicly funded child day-care provided under division (A)(3) of section 5104.34 of the Revised Code.

(2) "Transitional medicaid" means the medical assistance provided under section 5111.023 of the Revised Code.

(B) Except as provided in division (C) of this section, each member of an assistance group participating in Ohio works first is ineligible to participate in the program for six payment months if a county department of human services determines that a member of the assistance group terminated the member's employment and each person who, on the day prior to the day a recipient begins to receive transitional child day-care or transitional medicaid, was a member of the recipient's assistance group ~~of a recipient of transitional child day-care or transitional medicaid on the day prior to the day the recipient begins to receive transitional child day-care or transitional medicaid~~ is ineligible to participate in Ohio works first for six payment months if a county department determines that the recipient terminated the recipient's employment.

(C) No assistance group member shall lose or be denied eligibility to participate in Ohio works first pursuant to division (B) of this section if the termination of employment was because an assistance group member or recipient of transitional child day-care or transitional medicaid secured comparable or better employment or the county department of human services certifies that the ~~assistance group~~ member ~~who~~ or recipient terminated the employment ~~did so~~ with just cause.

Just cause includes the following:

(1) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, or national origin;

(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

(3) Employment that has become unsuitable due to any of the following:

(a) The wage is less than the federal minimum wage;

(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code;

(c) The documented degree of risk to the ~~assistance group member's~~ member or recipient's health and safety is unreasonable;

(d) The ~~assistance group~~ member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.

(4) Documented illness of the ~~assistance group~~ member or recipient or of another assistance group member of the member or recipient requiring the presence of the ~~assistance group~~ member or recipient;

(5) A documented household emergency;

(6) Lack of adequate child care for children of the ~~assistance group~~ member or recipient who are under six years of age.

Sec. 5107.28. (A) As used in this section and in sections 5107.281 to 5107.287 of the Revised Code:

(1) "Cash assistance payment" means the monthly amount an assistance group is eligible to receive under Ohio works first.

(2) "Parent" means the parent, ~~legal~~ guardian, custodian, or specified relative with charge or care of a learnfare participant.

(3) "Participating student" means a participant of Ohio works first who is subject to the school attendance requirement of the learnfare program as determined under section 5107.281 of the Revised Code.

(B) The state department of human services shall establish the learnfare program. The board of county commissioners of any county may choose to have the county participate in the learnfare program. The county department of human services of each participating county shall administer the program in accordance with sections 5107.28 to 5107.287 of the Revised Code and policies the county department establishes for the program.

(C) The program shall provide for reduction in the cash assistance payment to the assistance group of a participating student if the student fails to comply with the program's school attendance requirement two or more times during a school year.

(D) The program may provide for an incentive to encourage a parent or, if a participating student is eighteen or nineteen years of age, the student to consent to the release of the participating student's school attendance records and the participating student to comply with the program's school attendance

requirement.

Sec. 5107.60. In accordance with Title IV-A, federal regulations, state law, the Title IV-A state plan prepared under section 5101.80 of the Revised Code, and amendments to the plan, county departments of human services shall establish and administer the following work activities, in addition to the work activities established under sections 5107.50, 5107.52, 5107.54, and 5107.58 of the Revised Code, for minor heads of households and adults participating in Ohio works first:

(A) Unsubsidized employment activities, including activities a county department determines are legitimate entrepreneurial activities;

(B) On-the-job training activities, including training to become an employee of a child day-care center or type A family day-care home, authorized provider of a certified type B family day-care home, or in-home aide;

(C) Community service activities including a program under which a participant of Ohio works first who is the parent, ~~legal~~ guardian, custodian, or specified relative responsible for the care of a minor child enrolled in grade twelve or lower is involved in the minor child's education on a regular basis~~.~~;

(D) Vocational educational training activities;

(E) Jobs skills training activities that are directly related to employment;

(F) Education activities that are directly related to employment for participants who have not earned a high school diploma or high school equivalence diploma;

(G) Education activities for participants who have not completed secondary school or received a high school equivalence diploma under which the participants attend a secondary school or a course of study leading to a high school equivalence diploma;

(H) Child-care service activities aiding another participant assigned to a community service activity or other work activity. A county department may provide for a participant assigned to this work activity to receive training necessary to provide child-care services.

Sec. 5107.61. Service as an Ohio works first ombudsperson pursuant to section 329.07 of the Revised Code may be an assignment under the work experience program or a work activity established under section 5107.60 of the Revised Code to which a participant of Ohio works first is assigned under section 5107.42 of the Revised Code.

Sec. 5108.06. Under the prevention, retention, and contingency program, an assistance group that includes at least one minor child or a pregnant woman and meets the program's eligibility requirements shall

receive assistance or services needed to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility.

Sec. 5111.01. As used in this chapter, "medical assistance program" or "medicaid" means the program that is authorized by this section and provided by the department of human services under this chapter, Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the waivers of Title XIX requirements granted to the department by the health care financing administration of the United States department of health and human services.

(A) The department of human services may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:

(1) Families with children that meet either of the following conditions:

(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.019 of the Revised Code An adult loses eligibility for medical assistance under division (A)(1)(a) of this section pursuant to division (E)~~(3)~~ of section 5107.16 of the Revised Code.

(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but ~~is participating in the Ohio works first program established under Chapter 5107. of the Revised Code or~~ is eligible for medical assistance pursuant to section 5101.18 ~~or division (E)(1) or (2) of section 5107.16~~ of the Revised Code ~~despite being ineligible to participate in Ohio works first~~.

(2) Aged, blind, and disabled persons who meet the following conditions:

(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.

(b) Do not receive aid under Title XVI, but meet any of the following criteria:

(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section;

(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;

(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code.

(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;

(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The department shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (A)(4) of this section.

(B) If funds are appropriated for such purpose by the general assembly, the department may provide medical assistance to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.

(C) The department may expand eligibility for medical assistance to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty ~~guideline~~ guidelines, except that the eligibility expansion shall not occur unless the department receives the approval of the federal government. The department may implement the eligibility expansion authorized under this division on any date selected by the department, but not sooner than January 1, 1998.

(D) In addition to any other authority or requirement to adopt rules under this chapter, the department may adopt rules in accordance with section 111.15 of the Revised Code as it considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance. The rules may establish requirements to be followed in applying for medical assistance, making determinations of eligibility for

medical assistance, and verifying eligibility for medical assistance. The rules may include special conditions as the department determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the department may provide pursuant to division (C) of this section and section 5111.014 or 5111.019 of the Revised Code.

Sec. 5111.014. (A) The director of human services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual who meets all of the following requirements eligible for medicaid:

(1) The individual is pregnant;

(2) The individual's family income does not exceed one hundred fifty per cent of the federal poverty guidelines;

(3) The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code.

(B) If approved by the United States secretary of health and human services, the director of human services shall implement the medicaid plan amendment submitted under division (A) of this section as soon as possible after receipt of notice of the approval, but not sooner than January 1, 2000.

Sec. 5111.019. (A) The director of human services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual who meets all of the following requirements eligible for medicaid for the amount of time provided by division (B) of this section:

(1) The individual is the parent of a child under nineteen years of age and resides with the child;

(2) The individual's family income does not exceed one hundred per cent of the federal poverty guidelines;

(3) The individual is not otherwise eligible for medicaid;

(4) The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code.

(B) An individual is eligible to receive medicaid under this section for a period that does not exceed two years beginning on the date on which eligibility is established.

(C) If approved by the United States secretary of health and human services and the director of human services, the director shall implement the medicaid plan amendment submitted under this section not sooner than July 1, 2000. If a federal waiver is necessary for the United States secretary to approve the amendment, the director of human services shall submit a waiver request to the United States secretary not later than ninety days after the effective date of this section.

Sec. 5111.022. (A) The state plan for providing medical assistance under Title XIX of the "Social Security Act," 49 Stat. 620, 42 U.S.C.A. 301, as amended, shall include provision of the following mental health services when provided by facilities described in division (B) of this section:

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services of three to fourteen hours per service day, rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional.

(B) Services shall be included in the state plan only when provided by community mental health facilities that have quality assurance programs accredited by the joint commission on accreditation of healthcare organizations or certified by the department of mental health or department of human services.

(C) The comprehensive annual plan shall certify the availability of sufficient unencumbered community mental health state subsidy and local funds to match Title XIX reimbursement funds earned by the facilities. Reimbursement for eligible services shall be based on the prospective cost of providing the services as developed in standards adopted as part of the comprehensive annual plan.

(D) As used in this section, "mental health professional" means a person qualified to work with mentally ill persons under the minimum standards established by the director of mental health pursuant to section 5119.61 of the Revised Code.

(E) With respect to services established by division (A) of this section, the department of human services shall enter into a separate contract with the department of mental health. The terms of the contract between the department of human services and the department of mental health shall specify ~~that~~ both of the following:

(1) That the department of mental health and boards of alcohol, drug addiction, and mental health services shall provide state and local matching funds for Title XIX of the "Social Security Act" for reimbursement of services established by division (A) of this section;

(2) How the community mental health facilities described in division

(B) of this section will be paid for providing the services established by division (A) of this section.

Sec. 5111.025. (A) Effective July 1, 2001, and the first day of each July thereafter, the department of human services shall adjust the rate it reimburses medical providers specified in rules adopted under division (B) of this section for medical services rendered under the medical assistance program. The department shall adjust the rate by the percentage increase in the gross domestic product deflator for the preceding calendar year as determined by the bureau of economic analysis of the United States department of commerce.

(B) The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section. The rules shall establish a list specifying the medical providers that will receive the adjusted rate of reimbursement. The department shall include in the list at least physicians, dentists, and ambulance service providers. The department shall exclude from the list nursing facilities, intermediate care facilities for the mentally retarded, hospitals, and managed care organizations.

(C) This section does not affect sections 5111.20 to 5111.32 of the Revised Code or preclude the department of human services from adjusting the rate it reimburses hospitals and managed care organizations for medical services rendered under the medical assistance program in a manner different from the method of adjustment established by division (A) of this section.

Sec. 5111.026. (A) On or before the thirty-first day of December of the year 2000, and each even-numbered year thereafter, the department of human services shall complete and prepare a survey that includes all of the following:

(1) An examination of access by recipients of medical assistance to providers who are authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry or under Chapter 4725. of the Revised Code to practice dentistry;

(2) The effect of rates and methods of reimbursement in the medical assistance program on participation in the program by providers described in division (A)(1) of this section;

(3) A comparison of the rates of reimbursement for services provided under the medical assistance program and equivalent services provided in the private sector by providers described in division (A)(1) of this section.

The results of each survey required under this section shall be submitted to the governor, speaker and minority leader of the house of representatives,

and president and minority leader of the senate.

(B) To meet the requirements of division (A) of this section, the department shall use a survey format and questions recommended by a committee appointed by the department.

Sec. 5111.113. As used in this section, "nursing facility" ~~has~~ and "intermediate care facility for the mentally retarded" have the same ~~meaning~~ meanings as in section 5111.20 of the Revised Code.

In determining the amount of income that a recipient of medical assistance must apply monthly ~~to~~ toward payment of the cost of care in a nursing facility or intermediate care facility for the mentally retarded, the county department of human services shall deduct from the recipient's monthly income a monthly personal needs allowance in accordance with section 1902 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396a, as amended. ~~The~~

For a resident of a nursing facility, the monthly personal needs allowance shall be not less than forty dollars for an individual resident ~~of a nursing facility~~ and not less than eighty dollars for a married couple if both spouses are residents of a nursing facility.

For a resident of an intermediate care facility for the mentally retarded, the monthly personal needs allowance shall be forty dollars unless the resident has earned income, in which case the monthly personal needs allowance shall be determined by the state department of human services but shall not exceed one hundred five dollars.

Sec. 5111.173. (A) There is hereby created the medicaid managed care study committee to examine the medicaid managed care program established by section 5111.17 of the Revised Code. The committee shall review the status of the program and may study the following: consumer access and satisfaction, reimbursement issues, recent trends in the medicaid managed care market, alternative managed care delivery models, and future plans and recommendations for the program.

(B) Membership of the study committee shall include:

(1) Two members of the senate appointed by the president of the senate, one from the majority party and one from the minority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one from the majority party and one from the minority party;

(3) The following members jointly appointed by the governor, the speaker of the house of representatives, and the president of the senate:

(a) One representative of the governor's office;

(b) One representative of the Ohio department of human services;

(c) One representative of the Ohio department of insurance;

(d) One representative of the office of budget and management;

(e) Two representatives of the Ohio medical care advisory committee representing consumer interests;

(f) One representative from a county department of human services in a county in which medicaid recipients are required to obtain medical services from a managed care organization;

(g) Two representatives of the institutional provider community;

(h) Two representatives from the community provider community;

(i) Two representatives of entities that provide medicaid managed care.

(C) The majority party members from the house of representatives and the senate shall serve as co-chairs of the study committee. The committee shall meet at the call of the co-chairs.

(D) Members of the study committee shall serve without compensation or reimbursement, except to the extent that serving on the committee is considered a part of their regular duties of employment.

(E) Not later than December 31, 1999, the study committee shall complete its examination and submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The legislative budget office of the legislative service commission shall serve as staff to the study committee. On submission of the report, the study committee shall cease to exist.

Sec. 5111.23. (A) The department of human services shall pay each eligible nursing facility and intermediate care facility for the mentally retarded a per resident per day rate for direct care costs established prospectively for each facility. Except as provided in division (C)(2) of this section, the department shall establish each facility's rate for direct care costs quarterly.

(B) Each facility's rate for direct care costs shall be based on the facility's cost per case-mix unit, subject to the maximum costs per case-mix unit established under division (B)(2) of this section, from the calendar year preceding the fiscal year in which the rate is paid. To determine the rate, the department shall do all of the following:

(1) Determine each facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid by dividing the facility's desk-reviewed, actual, allowable, per diem direct care costs for that year by its average case-mix score determined under section 5111.231 of the Revised Code for the same calendar year.

(2)(a) Set the maximum cost per case-mix unit for each peer group of nursing facilities specified in rules adopted under division (E) of this section

at a percentage above the cost per case-mix unit of the facility in the group that has the group's median medicaid inpatient day for the calendar year preceding the fiscal year in which the rate will be paid, as calculated under division (B)(1) of this section, that is no less than the percentage calculated under division (D)(1) of this section.

(b) Set the maximum cost per case-mix unit for each peer group of intermediate care facilities for the mentally retarded with more than eight beds specified in rules adopted under division (E) of this section at a percentage above the cost per case-mix unit of the facility in the group that has the group's median medicaid inpatient day for the calendar year preceding the fiscal year in which the rate will be paid, as calculated under division (B)(1) of this section, that is no less than the percentage calculated under division (D)(2) of this section.

(c) Set the maximum cost per case-mix unit for each peer group of intermediate care facilities for the mentally retarded with eight or fewer beds specified in rules adopted under division (E) of this section at a percentage above the cost per case-mix unit of the facility in the group that has the group's median medicaid inpatient day for the calendar year preceding the fiscal year in which the rate will be paid, as calculated under division (B)(1) of this section, that is no less than the percentage calculated under division (D)(3) of this section.

(d) In calculating the maximum cost per case-mix unit under divisions (B)(2)(a) to (c) of this section for each peer group, the department shall exclude from its calculations the cost per case-mix unit of any facility in the group that participated in the medical assistance program under the same operator for less than twelve months during the calendar year preceding the fiscal year in which the rate will be paid.

(3) Estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid, using the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics. If the estimated inflation rate for the eighteen-month period is different from the actual inflation rate for that period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated under division (B)(3) of this section for the following fiscal year.

(4) The department shall not recalculate a maximum cost per case-mix unit under division (B)(2) of this section or a percentage under division (D) of this section based on additional information that it receives after the

maximum costs per case-mix unit or percentages are set. The department shall recalculate a maximum cost per case-mix units or percentage only if it made an error in computing the maximum cost per case-mix unit or percentage based on information available at the time of the original calculation.

(C)~~(1) Except as provided in division (C)(2) of this section, each~~ Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:

~~(a)~~(1) Multiply the lesser of the following by the facility's average case-mix score determined under section 5111.231 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:

~~(i)~~(a) The facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;

~~(ii)~~(b) The maximum cost per case-mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;

~~(b)~~(2) Adjust the product determined under division (C)(1)~~(a)~~ of this section by the inflation rate estimated under division (B)(3) of this section.

~~(2) Each fiscal year, the rate for direct care costs for an intermediate care facility for the mentally retarded that, pursuant to rules adopted under division (D)(5) of section 5111.231 of the Revised Code, submits its resident assessment information annually rather than quarterly shall be the lesser of the following, adjusted by the inflation rate estimated under division (B)(3) of this section:~~

~~(a) The product of the facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section, and the facility's annual average case-mix score determined under section 5111.231 of the Revised Code for that calendar year;~~

~~(b) The product of the maximum cost per case-mix unit established for the fiscal year for the facility's peer group under division (B)(2) of this section, and the facility's annual average case-mix score determined under section 5111.231 of the Revised Code for that calendar year.~~

(D)(1) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid inpatient day for calendar year 1992 for all nursing facilities that would result in payment of all desk-reviewed, actual, allowable direct care costs for eighty-five per cent of

the medicaid inpatient days for nursing facilities for calendar year 1992.

(2) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid inpatient day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk-reviewed, actual, allowable direct care costs for eighty and one-half per cent of the medicaid inpatient days for such facilities for calendar year 1992.

(3) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid inpatient day for calendar year 1992 for all intermediate care facilities for the mentally retarded with eight or fewer beds that would result in payment of all desk-reviewed, actual, allowable direct care costs for eighty and one-half per cent of the medicaid inpatient days for such facilities for calendar year 1992.

(E) The department shall adopt rules in accordance with Chapter 119. of the Revised Code that specify peer groups of nursing facilities, intermediate care facilities for the mentally retarded with more than eight beds, and intermediate care facilities for the mentally retarded with eight or fewer beds, based on findings of significant per diem direct care cost differences due to geography and facility bed-size. The rules also may specify peer groups based on findings of significant per diem direct care cost differences due to other factors which may include, in the case of intermediate care facilities for the mentally retarded, case-mix.

(F) The department, in accordance with division (C) of section 5111.231 of the Revised Code and rules adopted under division (D) of that section, may assign case-mix scores or costs per case-mix unit if a facility fails to submit assessment information necessary to calculate its case-mix score in accordance with that section.

Sec. 5111.231. (A)(1) The department of human services shall determine case-mix scores for nursing facilities using data for each resident, regardless of payment source, from a resident assessment instrument specified in rules adopted in accordance with Chapter 119. of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, and the case-mix values established by the United States department of health and human services. ~~The~~ Except as modified in rules adopted under division (A)(1)(c) of this section, the department also shall use the grouper methodology ~~specified in the department's rules in effect on July 1, 1993~~ used on the effective date of this amendment by the United States department of health and human

services for prospective payment of skilled nursing facilities under the medicare program established by Title xviii of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended The department may adopt rules in accordance with Chapter 119. of the Revised Code that do any of the following:

~~(1)~~(a) Adjust the case-mix values to reflect changes in relative wage differentials that are specific to this state;

~~(2)~~(b) Express all of the case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;

~~(3) Revise~~(c) Modify the grouper methodology~~, but only if the revision is first recommended by~~ as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Prohibit the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after the effective date of this amendment;

(iv) Make other changes the medicaid long-term care reimbursement study council established by section 5111.34 of the Revised Code approves.

(2) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted in accordance with Chapter 119. of the Revised Code and expressed in case-mix values established by the department in those rules. The department may change the grouper methodology prescribed in rules in effect on the effective date of this amendment only if the medicaid long-term care reimbursement study council approves the change.

(B) Not later than fifteen days after the end of each calendar quarter, each nursing facility and intermediate care facility for the mentally retarded shall submit to the department the complete assessment data, from the instrument specified in rules adopted under division (A) of this section, for each resident, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter~~, unless the facility is permitted in rules adopted under division (D) of this section to submit information annually rather than quarterly. Not later than fifteen days after the end of each calendar year, each intermediate care facility for the mentally retarded that is permitted in rules adopted under~~

~~division (D) of this section to submit assessment information annually shall submit to the department the complete assessment data, from the instrument specified in rules adopted under division (A) of this section, for each resident, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the calendar year~~.

Except as provided in division (C) of this section, the department, after the end of each calendar year and pursuant to procedures specified in rules adopted in accordance with Chapter 119. of the Revised Code, shall calculate an annual average case-mix score for each nursing facility and intermediate care facility for the mentally retarded using the facility's quarterly case-mix scores for that calendar year. ~~In the case of an intermediate care facility for the mentally retarded that is permitted in rules adopted under division (D)(5) of this section to submit information annually rather than quarterly, the department shall calculate the annual average case-mix score using the assessment information for the calendar year, pursuant to procedures specified in rules adopted in accordance with Chapter 119. of the Revised Code.~~

(C)(1) If a facility does not timely submit information for a calendar quarter necessary to calculate its case-mix score, or submits incomplete or inaccurate information for a calendar quarter, the department may assign the facility a quarterly average case-mix score that is five per cent less than the facility's quarterly average case-mix score for the preceding calendar quarter. If the facility was subject to an exception review under division (C) of section 5111.27 of the Revised Code for the preceding calendar quarter, the department may assign a quarterly average case-mix score that is five per cent less than the score determined by the exception review. If the facility was assigned a quarterly average case-mix score for the preceding quarter, the department may assign a quarterly average case-mix score that is five per cent less than that score assigned for the preceding quarter.

The department may use a quarterly average case-mix score assigned under division (C)(1) of this section, instead of a quarterly average case-mix score calculated based on the facility's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 of the Revised Code for one or more months, as specified in rules adopted under division (D) of this section, of the quarter for which the rate established under section 5111.23 of the Revised Code will be paid.

Before taking action under division (C)(1) of this section, the department shall permit the facility a reasonable period of time, specified in rules adopted under division (D) of this section, to correct the information. ~~The~~ In the case of an intermediate care facility for the mentally retarded, the

department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the facility fails to submit corrected information prior to the eighty-first day after the end of the calendar quarter to which the information pertains. In the case of a nursing facility, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the facility fails to submit corrected information prior to the earlier of the eighty-first day after the end of the calendar quarter to which the information pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act.

(2) If a facility is paid a rate calculated using a quarterly average case-mix score assigned under division (C)(1) of this section for more than six months in a calendar year, the department may assign the facility a cost per case-mix unit that is five per cent less than the facility's actual or assigned cost per case-mix unit for the preceding calendar year. The department may use the assigned cost per case-mix unit, instead of calculating the facility's actual cost per case-mix unit in accordance with section 5111.23 of the Revised Code, to establish the facility's rate for direct care costs for the following fiscal year.

(3) The department shall take action under division (C)(1) or (2) of this section only in accordance with rules adopted under division (D) of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5111.27 and 5111.28 of the Revised Code.

(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code that do any of the following:

(1) Specify the medium or media through which the completed assessment information shall be submitted;

(2) Establish procedures under which the department will review assessment information for accuracy and notify the facility of any information that requires correction;

(3) Establish procedures for facilities to correct assessment information~~, which~~. The procedures may prohibit ~~a~~ an intermediate care facility for the mentally retarded from submitting corrected assessment information, for the purpose of calculating its annual average case-mix score, more than two calendar quarters after the end of the quarter to which the information pertains or, if the information pertains to the quarter ending the thirty-first day of December, after the thirty-first day of the following March~~;~~. The procedures may limit the content of corrections by nursing facilities in the

manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act and prohibit a nursing facility from submitting corrected assessment information, for the purpose of calculating its annual average case-mix score, more than the earlier of the following:

(a) Two calendar quarters after the end of the quarter to which the information pertains or, if the information pertains to the quarter ending the thirty-first day of December, after the thirty-first day of the following March;

(b) The deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act.

(4) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (C) of this section if information necessary to calculate the facility's average annual or quarterly case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to 5111.32 of the Revised Code, the rules also may provide for exclusion of case-mix scores assigned under division (C) of this section from calculation of the facility's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group.

~~(5) Permit some or all intermediate care facilities for the mentally retarded to submit assessment information annually with their cost reports, instead of quarterly.~~

Sec. 5112.01. As used in sections ~~5112.02~~ 5112.03 to 5112.21 of the Revised Code:

(A)(1) "Hospital" means a nonfederal hospital to which either of the following applies:

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital, and provides inpatient hospital services, as defined in 42 C.F.R. 440.10;

(b) The hospital is recognized under the medicare program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, as a cancer hospital and is exempt from the medicare prospective payment system.

"Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

(2) "Disproportionate share hospital" means a hospital that meets the

finition of a disproportionate share hospital in rules adopted under section 5112.03 of the Revised Code.

(B) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act."

(C) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act."

(D) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.

(E) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section 5112.06 of the Revised Code, less the assessments deposited into the legislative budget services fund under section 5112.19 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5112.07 of the Revised Code, less the amount of transfers deposited into the legislative budget services fund under section 5112.19 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of ~~payments~~ funds distributed by the department of human services ~~makes~~ to hospitals under section 5112.08 of the Revised Code.

(F) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5112.07 of the Revised Code.

(G) "Medical assistance program" means the program of medical assistance established under section 5111.01 of the Revised Code and Title XIX of the "Social Security Act."

(H) "Program year" means a period beginning the first day of October, or a later date designated in rules adopted under section 5112.03 of the Revised Code, and ending the thirtieth day of September, or an earlier date designated in rules adopted under that section.

(I) "Registered beds" means the total number of hospital beds registered with the department of health, as reported in the most recent "directory of registered hospitals" published by the department of health.

(J) "Total facility costs" means the total costs for all services rendered to all patients, including the direct, indirect, and overhead cost to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring

corporation, excluding costs associated with providing skilled nursing services in distinct-part nursing facility units, as shown on the hospital's cost report filed under section 5112.04 of the Revised Code. Effective October 1, 1993, if rules adopted under section 5112.03 of the Revised Code so provide, "total facility costs" may exclude costs associated with providing care to recipients of any of the governmental programs listed in division (B) of that section.

(K) "Uncompensated care" means bad debt and charity care.

Sec. 5112.03. (A) The director of human services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code for the purpose of administering sections 5112.01 to 5112.21 of the Revised Code, including rules that do all of the following:

(1) Define as a "disproportionate share hospital" any hospital included under subsection (b) of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(b), as amended, and any other hospital the director determines appropriate;

(2) Prescribe the form for submission of cost reports under section 5112.04 of the Revised Code;

(3) Establish, in accordance with division ~~(B)~~(A) of section 5112.06 of the Revised Code, the assessment rate ~~of hospital assessments~~ or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5112.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5112.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division ~~(C)~~(B)(2)(b) of section 5112.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5112.09 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section 5112.08 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Recipients of the medical assistance program;

(2) Recipients of general assistance medical assistance provided under former Chapter 5113. of the Revised Code;

(3) Recipients of disability assistance medical assistance provided under Chapter 5115. of the Revised Code;

(4) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

(5) Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(6) Recipients of Title V of the "Social Security Act";

(7) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act" and the rules adopted under that title.

Sec. 5112.06. (A) For the purpose of ~~making payments~~ distributing funds to hospitals under the medical assistance program pursuant to sections 5112.01 to 5112.21 of the Revised Code, there is hereby imposed ~~on each hospital an assessment on total facility costs at a rate to be~~ an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year by the department of human services~~, in accordance with division (B) of this section,~~ in rules adopted under section 5112.03 of the Revised Code. The

~~(B) The~~ department shall assess ~~each hospital at the same rate~~ all hospitals uniformly and in a manner consistent with federal statutes and regulations. During any program year, the department shall not assess ~~hospitals at a rate greater~~ any hospital more than two per cent of ~~each~~ the hospital's total facility costs.

The department shall establish an assessment rate or rates each program year that will do both of the following:

(1) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce a program of sufficient size to pay a substantial portion of the indigent care provided by hospitals;

(2) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce ~~payments~~ amounts for distribution to disproportionate share hospitals that do not exceed, in the aggregate, the limits prescribed by the United States health care financing administration under ~~subparagraph~~ subsection (f)~~(2)(A)~~ of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(f)~~(2)(A)~~, as amended.

~~(C)~~(B)(1) Except as provided in division ~~(C)~~(B)(3) of this section, each

hospital shall pay its assessment in periodic installments in accordance with a schedule established by the director of human services in rules adopted under section 5112.03 of the Revised Code.

(2) The installments shall be equal in amount, unless either of the following applies:

(a) The department makes adjustments during a program year under division (D) of section 5112.09 of the Revised Code in the total amount of hospitals' assessments;

(b) The director of human services determines that adjustments in the amounts of installments are necessary for the administration of sections 5112.01 to 5112.21 of the Revised Code and that unequal installments will not create cash flow difficulties for hospitals.

(3) The director may adopt rules under section 5112.03 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

Sec. 5112.07. (A) The department of human services may require governmental hospitals to make intergovernmental transfers each program year. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5112.06 of the Revised Code and federal matching funds, produce ~~payments~~ amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States health care financing administration under ~~subparagraph~~ subsection (f)~~(2)(A)~~ of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(f)~~(2)(A)~~, as amended.

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5112.03 of the Revised Code.

Sec. 5112.08. The director of human services shall adopt rules under section 5112.03 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:

(A) The department of human services ~~shall~~ may classify similar hospitals into groups and allocate funds for distribution within each group.

(B) The department shall establish a method of allocating funds to ~~each group of~~ hospitals, taking into consideration the relative amount of indigent

care provided by each hospital or group of hospitals. The amount to be allocated ~~to each group~~ shall be based on any combination of the following indicators of indigent care that the director considers appropriate:

(1) Total costs, volume, or proportion of services to recipients of the medical assistance program, including recipients enrolled in health insuring corporations;

(2) Total costs, volume, or proportion of services to low-income patients in addition to recipients of the medical assistance program, which may include recipients of Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, general assistance established under former Chapter 5113. of the Revised Code, and disability assistance established under Chapter 5115. of the Revised Code;

(3) The amount of uncompensated care provided by the hospital or group of hospitals;

(4) Other factors that the director considers to be appropriate indicators of indigent care.

(C) The department shall distribute funds to ~~hospitals in~~ each hospital or group of hospitals in a manner that first may provide for an additional ~~payment~~ distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the remainder of the funds ~~allocated to the group to all hospitals in the group~~. The formula shall be consistent with section 1923 of the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, and shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate.

(D) The department shall ~~make payments~~ distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under section 5112.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund and the hospital care assurance match fund created under section 5112.18 of the Revised Code is insufficient to make the total ~~payments~~ distributions for which hospitals are eligible to receive in any period, the department shall reduce the amount of each ~~payment~~ distribution by the percentage by which the amount is insufficient. The department shall ~~pay~~ distribute to hospitals

any amounts not ~~paid~~ distributed in the period in which they are due as soon as moneys are available in the funds.

Sec. 5112.09. (A) Before or during each program year, the department of human services shall mail to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under section 5112.06 of the Revised Code during the program year. The ~~department shall make the~~ preliminary determination of ~~each~~ a hospital's assessment ~~by multiplying the rate established under division (B) of section 5112.06 of the Revised Code by the hospital's total facility costs for the hospital's most recent fiscal year ending in the calendar year preceding the first day of July, except that:~~

~~(1) In the program year ending in 1995, the department shall multiply the rate by the hospital's total facility costs for the hospital's cost reporting period ending in state fiscal year 1994;~~

~~(2) In program years ending in 1996 and thereafter, the department shall multiply the rate by the hospital's total facility costs~~ shall be calculated for a cost-reporting period that is specified in rules adopted under section 5112.03 of the Revised Code.

The department shall consult with hospitals each year when determining the date on which it will mail the preliminary determinations in order to minimize hospitals' cash flow difficulties.

If no hospital submits a request for reconsideration under division (B) of this section, the preliminary determination constitutes the final reconciliation of each hospital's assessment under section 5112.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.

(B) Not later than fourteen days after the preliminary determinations are mailed, any hospital may submit to the department a written request to reconsider the preliminary determinations. The request shall be accompanied by written materials setting forth the basis for the reconsideration. If one or more hospitals submit a request, the department shall hold a public hearing not later than thirty days after the preliminary determinations are mailed to reconsider the preliminary determinations. The department shall mail to each hospital a written notice of the date, time, and place of the hearing at least ten days prior to the hearing. On the basis of the evidence submitted to the department or presented at the public hearing, the department shall reconsider and may adjust the preliminary determinations. The result of the reconsideration is the final reconciliation of the hospital's assessment under section 5112.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.

(C) The department shall mail to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division ~~(C)~~(B) of section 5112.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5112.18 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section 5112.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5112.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States health care financing administration during that program year to the limits it prescribed under ~~subparagraph~~ subsection (f)~~(2)(A)~~ of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(f)~~(2)(A)~~, as amended. ~~An~~ When adjusted, the assessment rate or rates must comply with division ~~(B)~~(A) of section 5112.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5112.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5112.06 and 5112.07 of the Revised Code in accordance with rules adopted under section 5112.03 of the Revised Code.

Sec. 5112.17. (A) As used in this section:

(1) "Federal poverty guideline" means the official poverty guideline as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(2) "Third-party payer" means any private or public entity or program that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third-party payer" does not include a hospital.

(B) Each hospital that receives ~~payments~~ funds distributed under sections 5112.01 to 5112.21 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not recipients of the

medical assistance program, and whose income is at or below the federal poverty guideline. Recipients of disability assistance under Chapter 5115. of the Revised Code qualify for services under this section. The department of human services shall adopt rules under section 5112.03 of the Revised Code specifying the hospital services to be provided under this section.

(C) ~~Before using a portion of the funds received under sections 5112.01 to 5112.21 of the Revised Code as the source of reimbursement for providing hospital services to an individual, a hospital may take actions to ensure that there is no other third-party payer available~~ Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for eligibility under the medical assistance program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medical assistance program, in accordance with Chapter 5111. of the Revised Code and the rules adopted under that chapter, for services rendered under this section if the individual becomes a recipient of the program. Hospitals may bill individuals for services under this section if all of the following apply:

(1) The hospital has an established post-billing procedure for determining the individual's income and canceling the charges if the individual is found to qualify for services under this section.

(2) The initial bill, and at least the first follow-up bill, is accompanied by a written statement that does all of the following:

(a) Explains that individuals with income at or below the federal poverty guideline are eligible for services without charge;

(b) Specifies the federal poverty guideline for individuals and families of various sizes at the time the bill is sent;

(c) Describes the procedure required by division (C)(1) of this section.

(3) The hospital complies with any additional rules the department adopts under section 5112.03 of the Revised Code.

Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered.

(D) Each hospital shall collect and report to the department, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section.

(E) This section applies beginning May 22, 1992, regardless of whether the department has adopted rules specifying the services to be provided. Nothing in this section alters the scope or limits the obligation of any

governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law.

Sec. 5112.18. (A) Except as provided in section 5112.19 of the Revised Code, all payments of assessments by hospitals under section 5112.06 of the Revised Code and all intergovernmental transfers under section 5112.07 of the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of human services shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section 5112.08 of the Revised Code.

(B) All federal matching funds received as a result of ~~payments~~ the department ~~makes~~ distributing funds from the hospital care assurance program fund to hospitals under section 5112.08 of the Revised Code shall be credited to the hospital care assurance match fund, which is hereby created in the state treasury. All money credited to the hospital care assurance match fund shall be used solely ~~to make payments~~ for distributing funds to hospitals under section 5112.08 of the Revised Code.

(C) All ~~payments~~ distributions of funds to hospitals under section 5112.08 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section 5112.09 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the ~~payments~~ funds;

(2) The availability of sufficient moneys in the hospital care assurance program fund and the hospital care assurance match fund to ~~make~~ distribute the ~~payments~~ funds after the final determination of any appeals;

(3) The hospital's compliance with section 5112.17 of the Revised Code.

(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections 5112.06, 5112.07, and 5112.08 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:

(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive.

Payments made under division (D)(1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D)(2) of this section shall be deposited to the credit of that fund. Any hospital may appeal the amount the hospital is to be paid under division (D)(1) or the amount that is to be recovered from the hospital under division (D)(2) of this section to the court of common pleas of Franklin county.

Sec. 5115.01. (A) There is hereby established the disability assistance program. Except as provided in division (D) of this section, a disability assistance recipient shall receive financial assistance. Except as provided in section 5115.11 of the Revised Code, a disability assistance recipient also shall receive disability assistance medical assistance.

Except as provided by division (B) of this section, a person who meets all of the following requirements is eligible for disability assistance:

(1) The person is ineligible to participate in the Ohio works first program established under Chapter 5107. of the Revised Code and to receive supplemental security income provided pursuant to Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;

(2) The person is at least one of the following:

(a) Under age eighteen;

(b) Age sixty or older;

(c) Pregnant;

(d) Unable to do any substantial or gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for not less than nine months;

(e) ~~An active participant in~~ A resident of a residential treatment center certified as an alcohol or drug addiction program ~~certified~~ by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code~~, including a former recipient of supplemental security income who lost eligibility for that program because of the enactment of paragraph (b)(1) of section 105 of the "Contract With America Advancement Act of 1996," 110 Stat. 847, 42 U.S.C. 1382c(a)(3). A person on a waiting list to participate in an alcohol or drug addiction program, or otherwise not participating in a program while waiting for treatment services at a program to become~~

~~available, is not an active participant~~.

(f) Medication dependent as determined by a physician, as defined in section 4730.01 of the Revised Code, who has certified to the county department of human services that the person is receiving ongoing treatment for a chronic medical condition requiring continuous prescription medication for an indefinite, long-term period of time and for whom the loss of the medication would result in a significant risk of medical emergency and loss of employability lasting at least nine months.

(3) The person meets the eligibility requirements established by the department of human services in rules adopted under section 5115.05 of the Revised Code.

(B)(1) A person is ineligible for disability assistance if the person is ineligible to participate in the Ohio works first program because of any of the following:

(a) Section 5101.83, 5107.14, or 5107.16 of the Revised Code;

(b) ~~The person's extended eligibility to participate in the Ohio works first program made possible by the earned income disregard established under division (D)(2) of section 5107.10 of the Revised Code has ceased due to the limited number of months the disregard is applied;~~

~~(c)~~ The time limit established by section 5107.18 of the Revised Code;

~~(d)~~(c) Failure to comply with an application or verification procedure;

~~(e)~~(d) The fraud control program established pursuant to 45 C.F.R. 235.112, as in effect July 1, 1996.

(2) A person under age eighteen is ineligible for disability assistance pursuant to division (B)(1)(a) of this section only if the person caused the assistance group to be ineligible to participate in the Ohio works first program or resides with a person age eighteen or older who was a member of the same ineligible assistance group. A person age eighteen or older is ineligible for disability assistance pursuant to division (B)(1)(a) of this section regardless of whether the person caused the assistance group to be ineligible to participate in the Ohio works first program.

(C) The county department of human services that serves the county in which a person receiving disability assistance pursuant to division (A)(2)(e) of this section participates in an alcohol or drug addiction program shall designate a representative payee for purposes of receiving and distributing financial assistance provided under the disability assistance program to the person.

(D) A person eligible for disability assistance pursuant to division (A)(2)(f) of this section shall not receive financial assistance.

(E) The department shall adopt rules in accordance with section 111.15

of the Revised Code defining terms and establishing standards for determining whether a person meets a condition of disability assistance eligibility pursuant to this section.

Sec. 5117.07. (A) On or before the first day of October, the tax commissioner shall review all applications submitted under division (C) of section 5117.03 of the Revised Code and shall determine the eligibility of each applicant to receive a credit or payment. The total income and current total income amounts set forth in division (A) of this section are subject to adjustment under section 5117.071 of the Revised Code.

(1) An applicant is eligible for a credit of thirty per cent if the applicant is a head of household, has a total income of five thousand dollars or less or a current total income of two thousand five hundred dollars or less, owns and occupies or rents and occupies a household receiving the source of energy for its primary heating system from an energy company and such energy is separately metered, and is either of the following:

(a) Sixty-five years of age or older;

(b) Permanently and totally disabled.

(2) An applicant is eligible for a credit of twenty-five per cent if the applicant is a head of household, has a total income of more than five thousand dollars but not more than nine thousand dollars or a current total income of more than two thousand five hundred dollars but not more than four thousand five hundred dollars, is sixty-five years of age or older or permanently and totally disabled, and owns and occupies or rents and occupies a household receiving the source of energy for its primary heating system from an energy company and such energy is separately metered.

(3) An applicant is eligible for a payment if either of the following applies to the applicant:

(a) ~~He~~ The applicant would be eligible for the credit under division (A)(1) or (2) of this section but for the fact that the source of energy for the primary heating system of the applicant's household is not separately metered;

(b) ~~He~~ The applicant is a head of household, has a total income of no more than nine thousand dollars or a current total income of no more than four thousand five hundred dollars, is sixty-five years of age or older or permanently and totally disabled, and owns and occupies or rents and occupies a household receiving the source of energy for its primary heating system from an energy dealer.

(4) In the case of a multiple unit dwelling for which separate metering for the source of energy for its primary heating system is not provided, more than one applicant occupying such dwelling may be determined eligible for

a payment under division (A)(3)(a) of this section.

(B) Notwithstanding division (A) of this section:

(1) No head of household who resides in public housing or receives a rent subsidy from a government agency is eligible for a credit or payment unless the person's rent subsidy does not reflect the costs of ~~his~~ that person's household receiving the source of energy for its primary heating system;

(2) A resident of a nursing home, hospital, or other extended health care facility is not eligible for a credit or payment for the costs of providing the source of energy for the primary heating system of the facility.

(C) The tax commissioner shall establish a procedure whereby ~~he~~ the commissioner can verify total income and current total income for the calendar year in which an applicant is determined eligible for a payment or credit. If a person receives a credit or payment that ~~he~~ the person is ineligible to receive under division (A) of this section, that person shall refund to the tax commissioner the credit or payment, or excess portion of a credit or payment, ~~he~~ that person received. The sum refunded shall be deposited in the state treasury to the credit of the general revenue fund.

(D) The tax commissioner may request an additional certification of permanent and total disability for any applicant claiming such status on an application renewal form submitted under section 5117.03 of the Revised Code. Such certification shall be requested from the person or agency named on the form pursuant to division (B)(1) of section 5117.03 of the Revised Code. If such additional certification is refused due to a conclusion by the person or agency that the applicant is not permanently and totally disabled, the commissioner shall determine the applicant ineligible for any credit or payment. If such additional certification is unavailable or refused for any other reason, the tax commissioner may determine the applicant to be eligible for a credit or payment provided ~~he~~ the commissioner has good cause to believe the applicant is permanently and totally disabled.

(E) On or before the first day of October, the tax commissioner shall notify each applicant of the disposition of ~~his~~ the applicant's application under divisions (A) and (B) of this section. At the same time, ~~he~~ the tax commissioner shall notify the applicant, regardless of whether ~~his~~ the applicant's application is approved or disapproved, that the applicant may be eligible to participate in a state or federal weatherization program and should contact ~~his~~ the applicant's community action agency for further information. If an application is disapproved, the applicant may appeal to the tax commissioner for a hearing on the matter. A notice of disapproval shall include a detailed explanation of the applicant's right of appeal under this chapter. Any such appeal shall be on an appeal form prescribed by the

tax commissioner and shall be filed with the tax commissioner within twenty days of the receipt of the notice of disapproval.

Sec. 5117.071. (A) Each year, the tax commissioner shall adjust the total income amounts set forth in sections 5117.07 and 5117.09 of the Revised Code by completing the following steps:

(1) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce for the preceding year;

(2) Multiply that percentage increase by each of the total income amounts for the preceding year;

(3) Add the resulting products to each of the total income amounts for the preceding year;

(4) Round the resulting sums upward to the nearest multiple of ten dollars.

The commissioner shall not make the adjustment in any year in which the amounts resulting from the adjustment would be less than the total income amounts for the preceding year.

(B) Each year, the tax commissioner also shall adjust the current total income amounts set forth in sections 5117.07 and 5117.09 of the Revised Code. For any year, the current total income amounts shall equal one-half of the respective total income amounts set forth in those sections and adjusted under division (A) of this section for that year.

(C) The tax commissioner and each energy company and energy dealer shall use the adjusted total income and current total income amounts determined under this section in performing their duties under sections 5117.01 to 5117.12 of the Revised Code.

Sec. 5117.09. (A)(1) With respect to each of its residential customers, every energy company shall, after receipt of a certification list provided under division (A) of section 5117.08 of the Revised Code, cause the granting of a credit in accordance with this section against the monthly billing of each household appearing on the list except as provided in division (A) of section 5117.08 of the Revised Code. In the case of an applicant who has a total income of five thousand dollars or less or a current total income of two thousand five hundred dollars or less, the credit shall amount to thirty per cent of the current monthly bill rendered to such household by the company for the billing months of December, January, February, March, and April following the receipt of a list on which the household appears. In the case of an applicant who has a total income of more than five thousand dollars but not more than nine thousand dollars or a current total income of more than two thousand five hundred dollars but not

more than four thousand five hundred dollars, the credit shall amount to twenty-five per cent of the current monthly bill rendered to such household by the company for the billing months of December, January, February, March, and April following the receipt of a list on which the household appears. If purchased power costs are incurred by an energy company during the billing month for which a credit is provided under this division, the credit shall also be applied to such costs, whether or not the costs are charged to a current ~~montly~~ MONTHLY bill for such months.

(2) The total income and current total income amounts set forth in division (A)(1) of this section are subject to adjustment under section 5117.071 of the Revised Code.

(B) Every energy company shall read the meter of each of its qualified residential customers who may receive a credit under division (A) of this section at least one time for the service period of November and at least one time in the service period for the current monthly bill rendered for the billing month of April. In the event a company is unable to read a meter because of failure to gain access after a good faith effort or because a certification list was supplied to the utility fewer than thirty days prior to the normal date of meter reading, the company may render a calculated bill. In such instances the company shall make an adjustment to the amount of the credit granted to the customer based upon the next actual reading of the meter if the reading shows the previous calculation to have been in error and set forth the amount of such adjustments in the report required to be filed with the tax commissioner under division (D) of this section.

(C) On each billing that is subject to a credit under division (A) of this section, there shall appear in ten-point type both the amount of the credit and to the left of such amount "Ohio Energy Credit."

(D) On or before the fifteenth day of each month following one in which credits were provided under division (A) of this section, each energy company shall, on a form prescribed by the tax commissioner and requesting information that ~~he~~ the commissioner determines is necessary for the purpose of verifying the propriety of the payment of credits, certify to the commissioner the total amount of all credits it granted pursuant to division (A) of this section during the preceding month. Not later than thirty days after ~~his~~ receipt of such certification, the commissioner shall pay the company the amount certified. If the commissioner determines that a company previously received amounts greater than the amounts of credits properly granted, such company, upon notice from the commissioner, shall reimburse the commissioner in the amount of the overpayments. Such reimbursements shall be deposited in the general revenue fund.

(E)(1) Any energy company that purposely fails to grant the credit provided under division (A) of this section is liable to each person entitled to the credit and certified to the company by the tax commissioner pursuant to division (A) of section 5117.08 of the Revised Code in treble the amount of the total credit not granted. The consumers' counsel may, on behalf of any person or persons not granted the credit, bring an action to recover such treble damages in the court of common pleas of the county in which is located the office of the company nearest the household of any such person or persons. The consumers' counsel may also, on behalf of any persons not granted the credit, bring a class action to recover such treble damages in the court of common pleas of any county in which is located an office of the company and, if feasible, in which is located a significant number of members of the class. Any treble damage recovery under this division does not, in any manner, diminish any other liability provided under sections 5117.01 to 5117.12 of the Revised Code. Clerical errors shall not be considered an offense or incur liability under this division.

(2) An action shall be brought by the consumers' counsel under division (E)(1) of this section only after ~~he~~ the consumers' counsel has made a good faith attempt to dispose of the claim by settlement, including a good faith request for only such information in the possession of an energy company as is needed to determine the existence or extent of such a right of action.

(3) Nothing in division (E)(1) of this section shall be construed to prevent persons acting without the assistance of the consumers' counsel from bringing an action or class action under such division.

Sec. 5119.16. ~~The~~ Except as otherwise provided in division (G) of this section, the department of mental health is hereby designated to provide certain goods and services for the department of mental health, the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting ~~such~~ these goods and services when the department of mental health determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of mental health also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of mental health for community mental health agencies, the director of mental retardation and developmental disabilities for community mental retardation and developmental disabilities agencies, the director of rehabilitation and correction for community

rehabilitation and correction agencies, or the director of youth services for community youth services agencies. The director of aging may designate for participation community agencies holding a contract with an area agency on aging established under the "Older Americans Act," 79 Stat. 219, 42 U.S.C.A. 3001, as amended. Designated community agencies shall receive goods and services through the department of mental health only in those cases where the designating state agency certifies that providing ~~such~~ the goods and services to the agency will conserve public resources to the benefit of the public and where the provision of ~~such~~ the goods and services is considered feasible by the department of mental health.

Purchases of goods or services under this section are not subject to section 307.86 of the Revised Code.

(A) The goods and services to be provided by the department of mental health may include the following:

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 of the Revised Code;

(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;

(4) Other goods and services as may be agreed to.

(B) The department of mental health shall provide the goods and services designated in division (A) of this section to its institutions and to state-operated community-based mental health services.

(C) After consultation with and advice from the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, and the director of youth services and except as otherwise provided in division (G) of this section, the department of mental health shall provide the goods and services designated in division (A) of this section to the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, and the department of youth services.

(D) The cost of administration of this section shall be determined by the department of mental health and paid by the agencies receiving the goods and services to the department for deposit in the state treasury to the credit of the mental health fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

(E) If the goods or services designated in division (A) of this section are

not provided in a satisfactory manner by the department of mental health, the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, the director of youth services, or the managing officer of a department of mental health institution shall attempt to resolve unsatisfactory service with the director of mental health. If, after ~~such~~ the attempt, the provision of goods or services continues to be unsatisfactory, the director or officer shall notify the director of mental health. If within thirty days ~~of such~~ after the notice the department of mental health does not provide the specified goods and services in a satisfactory manner, the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, the director of youth services, or the managing officer of the department of mental health institution shall notify the director of mental health of the director's or managing officer's intent to cease purchasing goods and services from the department. Following a sixty-day cancellation period from the date of ~~such~~ that notice, the department of mental retardation, department of rehabilitation and correction, department of youth services, or the department of mental health institution may obtain the goods and services from a source other than the department of mental health, if the department certifies to the department of administrative services that the requirements of this division have been met.

(F) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from the state agency to the department of mental health. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.

(G) This section does not apply to or affect purchases of supplies or services by the department of rehabilitation and correction for the northwest Ohio close security prison as provided in division (B) of section 5145.19 of the Revised Code.

Sec. 5119.22. (A)(1) As used in this section:

(a) "Mental health agency" means a community mental health agency as defined in division (H) of section 5122.01 of the Revised Code, or a community mental health facility certified by the department of mental health pursuant to division (I) of section 5119.01 of the Revised Code.

(b) "Mental health services" means any of the services listed in section 340.09 of the Revised Code.

(c) "Personal care services" means services including, but not limited to,

the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(1)(c) of this section to be considered to be providing personal care services.

(d) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:

(i) Room and board, personal care services, and mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, hospital, or practitioner;

(ii) Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, hospital, or practitioner;

(iii) Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, hospital, or practitioner.

The following are not residential facilities: the residence of a relative or guardian of a mentally ill individual, a hospital subject to licensure under section 5119.20 of the Revised Code, a residential facility as defined in section 5123.19 of the Revised Code, a facility providing care for a child in the custody of a public children services agency or a private agency certified under section 5103.03 of the Revised Code, a foster care facility subject to section 5103.03 of the Revised Code, an adult care facility subject to licensure under Chapter 3722. of the Revised Code, and a nursing home, residential care facility, or home for the aging subject to licensure under section 3721.02 of the Revised Code.

(2) Nothing in division (A)(1)(d) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(3) Except in the case of a residential facility described in division (A)(1)(d)(i) of this section, members of the staff of a residential facility shall not administer medication to residents, all medication taken by residents of a

residential facility shall be self-administered, and no person shall be admitted to or retained by a residential facility unless the person is capable of taking the person's own medication and biologicals, as determined in writing by the person's personal physician. Members of the staff of a residential facility may do any of the following:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(b) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(c) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(B) Every person operating or desiring to operate a residential facility shall apply for licensure of the facility to the department of mental health and shall send a copy of the application to the board of alcohol, drug addiction, and mental health services whose service district includes the county in which the person operates or desires to operate a residential facility. The board shall review such applications and recommend approval or disapproval to the department. Each recommendation shall be consistent with the board's community mental health plan.

(C) The department of mental health shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision. The department may issue full, probationary, and interim licenses. A full license shall expire ~~one year~~ two years after the date of issuance, a probationary license shall expire in a shorter period of time as prescribed by rule adopted by the director of mental health pursuant to Chapter 119. of the Revised Code, and an interim license shall expire ninety days after the date of issuance. The department may refuse to issue or renew and may revoke a license if it finds the facility is not in compliance with rules adopted by the department pursuant to division (G) of this section or if any facility operated by the applicant or licensee has had repeated violations of statutes or rules during the period of previous licenses. Proceedings initiated to deny

applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code.

(D) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under Chapter 119. of the Revised Code.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(E) The department of mental health may conduct an inspection of a residential facility:

(1) Prior to the issuance of a license to a prospective operator;

(2) Prior to the renewal of any operator's license;

(3) To determine whether a facility has completed a plan of correction required pursuant to this division and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(4) Upon complaint by any individual or agency;

(5) At any time the director considers an inspection to be necessary in order to determine whether a residential facility is in compliance with this section and rules adopted pursuant to this section.

In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility, its personnel, activities, and services. The department shall have access to examine all records, accounts, and any other documents relating to the operation of the residential facility, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

(F) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

(G) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code, prescribing minimum standards for the health, safety, adequacy, and cultural specificity and sensitivity of treatment of and services for persons in residential facilities; establishing procedures for the issuance, renewal or revocation of the licenses of such facilities; establishing the maximum number of residents of a facility; establishing the rights of residents and procedures to protect such rights; and requiring an affiliation agreement approved by the board between a residential facility and a mental health agency. Such affiliation agreement must be consistent with the residential portion of the community mental health plan submitted pursuant to section 340.03 of the Revised Code.

(H) The department may investigate any facility that has been reported to the department or that the department has reasonable cause to believe is operating as a residential facility without a valid license.

(I) The department may withhold the source of any complaint reported as a violation of this act when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(J) The director of mental health may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a real and present danger to the health or safety of any residents of the facility.

(K) Whoever violates division (F) of this section or any rule adopted under this section is liable for a civil penalty of one hundred dollars for the first offense; for each subsequent offense, such violator is liable for a civil penalty of five hundred dollars. If the violator does not pay, the attorney general, upon the request of the director of mental health, shall bring a civil

action to collect the penalty. Fines collected pursuant to this section shall be deposited into the state treasury to the credit of the mental health sale of goods and services fund.

Sec. 5119.61. Any provision in this chapter that refers to a board of alcohol, drug addiction, and mental health services also refers to the community mental health board in an alcohol, drug addiction, and mental health service district that has a community mental health board.

The director of mental health with respect to all facilities and programs established and operated under Chapter 340. of the Revised Code for mentally ill and emotionally disturbed persons, shall:

(A) ~~Make~~ Adopt such rules pursuant to Chapter 119. of the Revised Code as may be necessary to carry out the purposes of Chapter 340. and sections 5119.61 to 5119.63 of the Revised Code~~;~~.

(1) The rules shall include all of the following:

(a) Rules governing a community mental health agency's services under section 340.091 of the Revised Code to an individual referred to the agency under division (C)(2) of section 173.35 of the Revised Code;

(b) For the purpose of division (A)(14) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services under section 3722.18 of the Revised Code regarding referrals of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The rules shall do at least the following:

(i) Provide for agencies and boards to participate fully in the procedures owners and managers of adult care facilities must follow under division (A)(2) of section 3722.18 of the Revised Code;

(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility described in division (B) of section 5111.022 of the Revised Code for providing services established by division (A) of that

section. Such rules must be consistent with the contract entered into between the departments of human services and mental health under division (E) of that section.

(B) Adopt rules requiring each public or private agency providing mental health services or facilities under a contract with a board of alcohol, drug addiction, and mental health services and any program operated by such a board to have a written policy that addresses the rights of clients including:

(1) The right to a copy of the agency's policy of client rights;

(2) The right at all times to be treated with consideration and respect for ~~his~~ the client's privacy and dignity;

(3) The right to have access to ~~his~~ the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;

(4) The right to have a client rights officer provided by the board or agency advise ~~him~~ the client of ~~his~~ the client's rights, including ~~his~~ the client's rights under Chapter 5122. of the Revised Code if ~~he~~ the client is committed to the board or agency.

(C) Require each board of alcohol, drug addiction, and mental health services to ensure that each contract agency establishes grievance procedures available to all recipients of services or applicants for services;

(D) Define minimum standards for qualifications of personnel, professional services, and mental health professionals, as that term is defined in section 340.02 of the Revised Code;

(E) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(F) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61 or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position

that it is in compliance. Before withholding funds, a hearing shall be conducted to determine if there are continuing violations and that either assistance is rejected or the board is unable to achieve compliance. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to a public or private agency, to provide the services not in compliance, until such time as there is compliance. The director shall establish rules pursuant to Chapter 119. of the Revised Code to implement this division.

(G) Withhold state or federal funds from a board of alcohol, drug addiction, and mental health services that denies available service on the basis of religion, race, color, creed, sex, national origin, age, physical or mental handicap, developmental disability, or the inability to pay;

(H) Provide consultative services to community mental health programs, with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;

(I) Provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section 5119.62 of the Revised Code, for special programs or projects the director considers necessary, but for which local funds are not available;

(J) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of services provided through its community mental health plan. The department shall assess a board's evaluation of services and the compliance of each board with this section, Chapter 340., or section 5119.62 of the Revised Code and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The department shall collect such information as is necessary to perform these functions.

(K) Develop and operate a community mental health information system.

Boards of alcohol, drug abuse, and mental health services shall submit information requested by the department in the form and manner prescribed by the department. Information collected by the department shall include, but not be limited to:

(1) Information regarding units of services provided in whole or in part under contract with a board, including diagnosis and special needs, demographic information, the number of units of service provided, past treatment, financial status, and service dates in accordance with rules adopted by the department in accordance with Chapter 119. of the Revised

Code;

(2) Financial information other than price or price-related data regarding expenditures of boards and community mental health agencies, including units of service provided, budgeted and actual expenses by type, and sources of funds.

Boards shall submit the information specified in division (K)(1) of this section no less frequently than annually for each client, and each time the client's case is opened or closed. The department shall not collect any information for the purpose of identifying by name any person who receives a service through a board of alcohol, drug addiction, and mental health services, except as required by state or federal law to validate appropriate reimbursement. For the purposes of division (K)(1) of this section, the department shall use an identification system that is consistent with applicable nationally recognized standards.

(L) Review each board's plan submitted pursuant to section 340.03 of the Revised Code and approve or disapprove it in whole or in part. Periodically, in consultation with representatives of boards and after considering the recommendations of the medical director, the director shall issue criteria for determining when a plan is complete, criteria for plan approval or disapproval, and provisions for conditional approval. The factors that the director considers may include, but are not limited to, the following:

(1) The mental health needs of all persons residing within the board's service district, especially severely mentally disabled children, adolescents, and adults;

(2) The demonstrated quality, effectiveness, efficiency, and cultural relevance of the services provided in each service district, the extent to which any services are duplicative of other available services, and whether the services meet the needs identified above;

(3) The adequacy of the board's accounting for the expenditure of funds.

If the director disapproves all or part of any plan, ~~he~~ the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the plan may be approved. The director shall give the board a reasonable time within which to meet the criteria, and shall offer technical assistance to the board to help it meet the criteria.

If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by

the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

(M) Visit and evaluate any community mental health program, agency, or facility, in cooperation with a board of alcohol, drug addiction, and mental health services, to determine if the services meet minimum standards pursuant to division (G) of section 5119.01 of the Revised Code. If the director determines that the services meet minimum standards, ~~he~~ the director shall so certify.

If the director determines that the services of any program, agency, or facility that has a contract with a board do not meet minimum standards, ~~he~~ the director shall identify the areas of noncompliance, specify what action is necessary to meet the standards, and offer technical assistance to the board so that it may assist the program, agency, or facility to meet minimum standards. The director shall give the board a reasonable time within which to demonstrate that the services meet minimum standards or to bring the program or facility into compliance with the standards. If the director concludes that the services continue to fail to meet minimum standards, the director may request that the board reallocate the funds for those services to another program, agency, or facility which meets minimum standards. If the board does not reallocate those funds in a reasonable period of time, the director may withhold state and federal funds for the services and allocate those funds directly to a public or private agency that meets minimum standards.

Each program, agency, and facility shall pay a fee for the certification review required by this division. Fees shall be paid into the sale of goods and services fund created pursuant to section 5119.161 of the Revised Code.

The director shall adopt rules under Chapter 119. of the Revised Code to implement this division. The rules shall do all of the following:

(1) Establish the process for certification of services of programs, agencies, or facilities;

(2) Set the amount of certification review fees based on a portion of the cost of performing the review;

(3) Specify the type of notice and hearing to be provided prior to a decision whether to reallocate funds.

Sec. 5119.631. (A) This section applies to a board of alcohol, drug addiction, and mental health services, another governmental entity, or a

private, nonprofit organization that received a grant or reimbursement under section 5119.63 of the Revised Code for a facility on which the department of mental health holds a security interest.

(B) A board of alcohol, drug addiction, and mental health services, another governmental entity, or a private, nonprofit organization to which this section applies may apply to the director of mental health for approval to sell its facility and acquire, construct, or renovate a replacement facility pursuant to this section. The director shall prescribe the form of the application. Before submitting an application to the director, a governmental entity or private, nonprofit organization must obtain approval of the application from the board of alcohol, drug addiction, and mental health services with jurisdiction over the service district in which the existing facility is located. The director shall approve an application for a replacement project upon determining that the project provides for the continuation of appropriate mental health services to the population served by the board, entity, or organization.

(C) A board, entity, or organization that obtains approval for a project under division (B) of this section shall pay the proceeds of the sale of its facility to the director of mental health. The director shall deposit the proceeds to the credit of the community capital replacement facilities fund.

(D) When a board, entity, or organization that has sold its facility notifies the director of mental health that it is ready to acquire, construct, or renovate a replacement facility, the director shall do one of the following:

CILITIES FUND, AND ANY EXCESS PROCEEDS SHALL BE PAID TO THE BOARD, ENTITY, OR ORGANIZATION.

(2) If the replacement facility is located in a different alcohol, drug addiction, and mental health service district than the original facility, or if the purposes for which the replacement facility will be used are not the same as or similar to those for the original facility, the director shall request controlling board approval for release of funds for the project. If the controlling board so approves, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund the lesser of an amount equal to the proceeds of the sale of the original facility OR THE AMOUNT OF THE STATE'S AGREED-UPON PARTICIPATION (AS A PER CENT OF THE TOTAL COST) IN THE COST OF THE REPLACEMENT FACILITY. IF THE AMOUNT OF THE STATE'S AGREED-UPON PARTICIPATION IN THE COST OF THE REPLACEMENT FACILITY IS LESS THAN THE VALUE OF THE STATE'S SECURITY INTEREST IN THE ORIGINAL FACILITY, THE DIFFERENCE BETWEEN THE STATE'S AGREED-UPON PARTICIPATION IN THE COST OF THE REPLACEMENT FACILITY AND THE VALUE OF THE STATE'S SECURITY INTEREST IN THE ORIGINAL FACILITY SHALL BE RETAINED IN THE COMMUNITY CAPITAL REPLACEMENT FACILITIES FUND, AND ANY EXCESS PROCEEDS SHALL BE PAID TO THE BOARD, ENTITY, OR ORGANIZATION.

(E) The director of mental health and a board, entity, or organization shall enter into an agreement specifying the terms of any payment made to the board, entity, or organization under division (D) of this section. The terms may include provision for the department of mental health to hold a security interest in the facility.

(F)(1) When approving an application under division (B) of this section, the director of mental health shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F)(1) of this section, if at any time a board, entity, or organization notifies the

director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of mental health shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section 5119.63 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of mental health shall use the fund for the purposes of this section.

Sec. 5120.14. (A) If a person who was convicted of or pleaded guilty to an offense ~~of violence that is a felony~~ escapes from a correctional institution in this state under the control of the department of rehabilitation and correction or otherwise escapes from the custody of the department, the department immediately after the escape shall ~~cause notice of~~ report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction in the county in which the institution from which the escape was made or to which the person was sentenced is located, to all local law enforcement agencies with jurisdiction in the county in which the person was convicted or pleaded guilty to the offense for which the escaped person was sentenced, to the state highway patrol, to the prosecuting attorney of the county in which the institution from which the escape was made or to which the person was sentenced is located, to the prosecuting attorney of the county in which the person was convicted or pleaded guilty to the offense for which the escaped person was sentenced, to ~~be published in~~ a newspaper of general circulation in the county in which the institution from which the escape was made or to which the person was sentenced is located, and ~~in~~ to a newspaper of general circulation in each county in which the escaped person was indicted for an offense ~~of violence that is a felony~~ for which, at the time of the escape, ~~he~~ the escaped person had been sentenced to that institution. ~~The department also immediately shall give notice of the escape by telephone and in writing to the prosecuting attorney of each county in which the escaped person was indicted for an offense of violence that is a felony for which, at the time of the escape, he had been sentenced to that institution. Upon~~ The written notice may be by either

facsimile transmission or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the department shall give notice of the apprehension by telephone and in writing to the ~~same prosecuting attorneys~~ persons who were given notice of the escape under division (A) of this section.

Sec. 5121.03. As used in this chapter:

(A) "Patient" means a person receiving care or treatment in a program or facility that provides services to mentally ill individuals.

(B) "The department" means the department of mental health or the department of mental retardation and developmental disabilities, whichever provides care or treatment to the patient.

(C) "Resident" means a person admitted to an institution or other facility pursuant to Chapter 5123. of the Revised Code who is under observation or receiving habilitation and care in an institution for the mentally retarded.

(D) "State-operated community mental health services" means community-based services the department of mental health operates for a board of alcohol, drug addiction, and mental health services pursuant to a community mental health plan approved under division (A)(1)(c) of section 340.03 of the Revised Code.

(E) "Applicable cost" means the rate for support applicable to a patient or resident as specified in this section.

The ~~rate~~ cost for support of patients in hospitals and residents in institutions under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities, and of ~~patients or~~ residents in private facilities or homes whose care or treatment is being paid for by ~~either~~ the department of mental retardation and developmental disabilities, shall be based on the average per capita cost of the care and treatment of such patients or residents. The cost of services for mentally ill patients or mentally retarded residents shall be computed using the projected average daily per capita cost at the hospital or institution, or at the discretion of the department under the jurisdiction of which the hospital or institution is operated, the subunit thereof in which services are provided. Such costs shall be computed at least annually for the next prospective period using generally accepted governmental accounting principles. The cost of services for mentally retarded residents that are being cared for and maintained in a private facility or home under the supervision of the department of mental retardation and developmental disabilities regional offices and for which a purchase of services contract is being paid to the private facility or home by the department shall not be more than the per

diem cost of the contract. The cost of services for a resident receiving pre-admission care, after-care, day-care, or routine consultation and treatment services in a community service unit under the jurisdiction of the department, shall be computed on the basis of the average cost of such services at the institution at which they are provided. ~~The rate of support for a mentally ill patient or a mentally retarded resident shall be that percentage of the average per capita cost at the hospital or institution at which such patient or resident receives care, in accordance with section 5121.04 of the Revised Code. The~~

The cost for support of a patient receiving state-operated community mental health services is an amount determined using guidelines the department of mental health shall issue. The guidelines shall be based on cost-findings and rate-settings applicable to such services.

The department shall annually determine the ability to pay of a patient or resident or ~~his~~ the patient's or resident's liable relatives and the amount that such person shall pay in accordance with section 5121.04 of the Revised Code.

Collections of support payments shall be made by the department of mental health and the department of mental retardation and developmental disabilities and, subject to meeting prior requirements for payment and crediting of such collections and other available receipts, in accordance with the bond proceedings applicable to obligations issued pursuant to section 154.20 of the Revised Code, such collections and other available receipts designated by the director of the department of mental health and the director of the department of mental retardation and developmental disabilities for deposit in the special accounts, together with insurance contract payments provided for in division (B)(8) of section 5121.04 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of the mental health operating fund and the mental retardation operating fund, which are hereby created, to be used for the general purposes of the department of mental health and the department of mental retardation and developmental disabilities. The department of mental health shall make refunds of overpayment of support charges from the mental health operating fund, and the department of mental retardation and developmental disabilities shall make refunds of overpayment of support charges from the mental retardation operating fund.

Sec. 5121.04. (A) The department of mental health and the department of mental retardation and developmental disabilities shall investigate the financial condition of the patients in hospitals and residents in institutions, ~~and those~~ residents whose care or treatment is being paid for in a private

facility or home under the ~~department's~~ control of the department of mental retardation and developmental disabilities, and of the relatives named in section 5121.06 of the Revised Code as liable for the support of such patients or residents, in order to determine the ability of any patient, resident, or such relatives to pay for the support of the patient or resident and to provide suitable clothing as required by the superintendent of the institution.

The department of mental health shall investigate the financial condition of patients receiving state-operated community mental health services and of the liable relatives to determine the patient's or relative's ability to pay for the patient's support. In all cases, in determining ability to pay and the amount to be charged, due regard shall be had for others who may be dependent for support upon such relatives or the estate of the patient.

(B) The department shall follow the provisions of this division in determining the ability to pay of a patient or resident or the patient's or resident's liable relatives and the amount to be charged such patient or resident or liable relatives.

(1) Subject to divisions (B)(10) and (11) of this section, a patient or resident without dependents shall be liable for the full ~~per capita~~ applicable cost. A patient or resident without dependents who has a gross annual income equal to or exceeding the sum of the full ~~per capita~~ applicable cost ~~as determined under section 5121.03 of the Revised Code~~, plus fifty dollars per month, regardless of the source of such income, shall pay currently the full amount of the ~~per capita~~ applicable cost; if the patient's or resident's gross annual income is less than such sum, not more than fifty dollars per month shall be kept for personal use by or on behalf of the patient or resident, except as permitted in the state plan for providing medical assistance under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the balance shall be paid currently on the patient's or resident's support. Subject to divisions (B)(10) and (11) of this section, the estate of a patient or resident without dependents shall pay currently any remaining difference between the ~~per capita~~ applicable cost and the amounts prescribed in this section, or shall execute an agreement with the department for payment to be made at some future date under terms suitable to the department. However, no security interest, mortgage, or lien shall be taken, granted, or charged against any principal residence of a patient or resident without dependents under an agreement or otherwise to secure support payments, and no foreclosure actions shall be taken on security interests, mortgages, or liens taken, granted, or charged against principal residences of patients or residents prior to October 7, 1977.

(2) The ability to pay of a patient or resident with dependents, or of a liable relative of a patient or resident either with or without dependents, shall be determined in accordance with the patient's, resident's, or liable relative's income or other assets, the needs of others who are dependent on such income and other assets for support, and, if applicable, divisions (B)(10) and (11) of this section.

For the first thirty days of care and treatment of each admission and for the first thirty days of care and treatment from state-operated community mental health services, but in no event for more than thirty days in any calendar year, the mentally ill patient or mentally retarded resident with dependents or the liable relative of a mentally ill patient or a mentally retarded resident either with or without dependents shall be charged an amount equal to the percentage of the average ~~per capita~~ applicable cost determined in accordance with the schedule of adjusted gross annual income contained after this paragraph. After such first thirty days of care and treatment, such mentally ill patient or mentally retarded resident or such liable relative shall be charged an amount equal to the percentage of a base support rate of four dollars per day for mentally ill patients and mentally retarded residents, as determined in accordance with the schedule of gross annual income contained after this paragraph, or in accordance with division (B)(5) of this section. Beginning January 1, 1978, the department shall increase the base rate when the consumer price index average is more than 4.0 for the preceding calendar year by not more than the average for such calendar year.

Adjusted Gross Annual Income of Patient or Resident or Liable Relative (FN a)	Number of Dependents (FN b)						
	1	2	3	4	5	6	7	8 or more
	Rate of Support (In Percentages)							
$15,000 or less	--	----------						--
15,001 to 17,500	20	----------						--
17,501 to 20,000	25	20	---------					--
20,001 to 21,000	30	25	20	-------				--

21,001 to 22,000	35	30	25	20	---	--
22,001 to 23,000	40	35	30	25	20	--
23,001 to 24,000	45	40	35	30	25	20
24,001 to 25,000	50	45	40	35	30	25
25,001 to 26,000	55	50	45	40	35	30
26,001 to 27,000	60	55	50	45	40	35
27,001 to 28,000	70	60	55	50	45	40
28,001 to 30,000	80	70	60	55	50	45
30,001 to 40,000	90	80	70	60	55	50
40,001 and over	100	90	80	70	60	55

Footnote a. The patient or resident or relative shall furnish a copy of the patient's, resident's, or relative's federal income tax return as evidence of gross annual income.

Footnote b. The number of dependents includes the liable relative but excludes the patient or resident in the hospital or institution. "Dependent" includes any person who receives more than half the person's support from the patient or the patient's liable relative.

(3) A patient or resident or liable relative having medical, funeral, or related expenses in excess of four per cent of the adjusted gross annual income, which expenses were not covered by insurance, may adjust such gross annual income by reducing the adjusted gross annual income by the full amount of such expenses. Proof of such expenses satisfactory to the department must be furnished.

(4) Additional dependencies may be claimed if:

(a) The liable relative is blind;

(b) The liable relative is over sixty-five;

(c) A child is a college student with expenses in excess of fifty dollars per month;

(d) The services of a housekeeper, costing in excess of fifty dollars per month, are required if the person who normally keeps house for minor children is the patient or resident.

(5) If with respect to any patient or resident with dependents there is chargeable under division (B)(2) of this section less than fifty per cent of the ~~per capita~~ applicable cost or, if the base support rate was used, less than fifty per cent of the amount determined by use of the base support rate, and if with respect to such patient or resident there is a liable relative who has an estate having a value in excess of fifteen thousand dollars or if such patient or resident has a dependent and an estate having a value in excess of fifteen thousand dollars, there shall be paid with respect to such patient or resident a total of fifty per cent of the ~~per capita~~ applicable cost or the base support

rate amount, as the case may be, on a current basis or there shall be executed with respect to such patient or resident an agreement with the department for payment to be made at some future date under terms suitable to the department.

(6) When a person has been a patient or resident for fifteen years and the support charges for which a relative is liable have been paid for the fifteen-year period, the liable relative shall be relieved of any further support charges.

(7) The department shall accept voluntary payments from patients or residents or liable relatives whose incomes are below the minimum shown in the schedule set forth in this division. The department also shall accept voluntary payments in excess of required amounts from both liable and nonliable relatives.

(8) If a patient or resident is covered by an insurance policy, or other contract that provides for payment of expenses for care and treatment for mental illness or mental retardation at or from an institution ~~or,~~ facility~~,~~ (including a hospital or community service unit under the jurisdiction of the department), or state-operated community mental health service, the other provisions of this section, except divisions (B)(8), (10), and (11) of this section, and of section 5121.03 of the Revised Code shall be suspended to the extent that such insurance policy or other contract is in force, and such patient or resident shall be charged the full amount of the ~~per capita~~ applicable cost ~~for care and treatment at the institution or facility at which the patient or resident receives such care and treatment~~. Any insurance carrier or other third party payor providing coverage for such care and treatment shall pay for this support obligation in an amount equal to the lesser of either the ~~per capita charges for services at the institution or facility~~ applicable cost or the benefits provided under the policy or other contract. Whether or not an insured, owner of, or other person having an interest in such policy or other contract is liable for support payments under other provisions of this chapter, the insured, policy owner, or other person shall assign payment directly to the department of all assignable benefits under the policy or other contract and shall pay over to the department, within ten days of receipt, all insurance or other benefits received as reimbursement or payment for expenses incurred by the patient or resident or for any other reason. If the insured, policy owner, or other person refuses to assign such payment to the department or refuses to pay such received reimbursements or payments over to the department within ten days of receipt, the insured's, policy owners', or other person's total liability for the services equals the applicable statutory liability for payment for the services as determined

under other provisions of this chapter, plus the amounts payable under the terms of the policy or other contract. In no event shall this total liability exceed the full amount of the ~~per capita~~ applicable cost ~~for services at the institution or facility at which the patient or resident received the care and treatment~~. Upon its request, the department is entitled to a court order that compels the insured, owner of, or other person having an interest in the policy or other contract to comply with the assignment requirements of this division or that itself serves as a legally sufficient assignment in compliance with such requirements. Notwithstanding section 5122.31 of the Revised Code and any other law relating to confidentiality of records, the managing officer of the institution or facility where a person is or has been a patient or resident, or the managing officer of the state-operated community mental health services from which the patient receives services, shall disclose pertinent medical information concerning the patient or resident to the insurance carrier or other third party payor in question, in order to effect collection from the carrier or payor of the state's claim for care and treatment under this division. For such disclosure, the managing officer is not subject to any civil or criminal liability.

(9) The rate to be charged for pre-admission care, after-care, day-care, or routine consultation and treatment services shall be based upon the ability of the patient or resident or the patient's or resident's liable relatives to pay. When it is determined by the department that a charge shall be made, such charge shall be computed as provided in divisions (B)(1) and (2) of this section.

(10) If a patient or resident with or without dependents is the beneficiary of a trust created pursuant to section 1339.51 of the Revised Code, then, notwithstanding any contrary provision of this chapter or of a rule adopted pursuant to this chapter, divisions (C) and (D) of that section shall apply in determining the assets or resources of the patient or resident, the patient's or resident's estate, or the testator's estate and to claims arising under this chapter against the patient or resident, the patient's or resident's estate, or the testator's estate.

(11) If the department of mental retardation and developmental disabilities waives the liability of an individual and the individual's liable relatives pursuant to section 5123.194 of the Revised Code, the liability of the individual and relative ceases in accordance with the waiver's terms.

(C) The department may enter into agreements with a patient or resident or a liable relative for support payments to be made in the future. However, no security interest, mortgage, or lien shall be taken, granted, or charged against any principal family residence of a patient or resident with

nts or a liable relative under an agreement or otherwise to secure support payments, and no foreclosure actions shall be taken on security interests, mortgages or liens taken, granted, or charged against principal residences of patients or residents or liable relatives prior to October 7, 1977.

(D) The department shall make all investigations and determinations required by this section within ninety days after a patient or resident is admitted to an institution under the department's control or a patient begins to receive state-operated community mental health services, and immediately shall notify by mail the persons liable of the amount to be charged.

(E) All actions to enforce the collection of payments agreed upon or charged by the department shall be commenced within six years after the date of default of an agreement to pay support charges or the date such payment becomes delinquent. If a payment is made pursuant to an agreement which is in default, a new six-year period for actions to enforce the collection of payments under such agreement shall be computed from the date of such payment. For purposes of this division an agreement is in default or a payment is delinquent if a payment is not made within thirty days after it is incurred or a payment, pursuant to an agreement, is not made within thirty days after the date specified for such payment. In all actions to enforce the collection of payment for the liability for support, every court of record shall receive into evidence the proof of claim made by the state together with all debts and credits, and it shall be prima-facie evidence of the facts contained in it.

Sec. 5121.06. (A) The following persons other than the patient or resident or ~~his~~ the patient's or resident's estate are liable relatives and all the following persons are jointly and severally liable for the support of a patient or resident in a hospital or institution under the control of the department of mental health or the department of mental retardation and developmental disabilities or for the support of a patient receiving state-operated community mental health services:

(1) The patient or resident or ~~his~~ the patient's or resident's estate;

(2) The patient's or resident's ~~husband or wife~~ spouse;

(3) The father or mother, or both, of a minor patient or resident under the age of eighteen years.

(B) The department shall determine, pursuant to section 5121.04 of the Revised Code, the amount to be charged each such liable person in the order named in this section, but shall not collect from any person more than one hundred per cent of the ~~appropriate average per capita per visit, or other cost~~ applicable ~~to such patient or resident~~ cost.

(C) An action to collect delinquent payments or to enforce agreements in default may be brought against any or all persons named in this section. To the extent parents of adult patients or residents, pursuant to the language of this section previously in force, incurred charges for the support of such patients or residents between the eighteenth birthday of such patient or resident and July 1, 1975, their liability for such period may be cancelled, compromised, or settled as provided in section 5121.07 of the Revised Code.

(D) Irrespective of the number of patients or residents whose care might be chargeable against a liable relative, no individual liable relative nor any group of liable relatives who are members of the same family unit shall be charged with the support of more than one patient or resident during the same period of time, and different periods of time for which such liable relative has paid the charges for such different patients' or residents' care and support shall be added together for the purpose of completing the maximum fifteen-year period of liability of such liable relative under division (B)(6) of section 5121.04 of the Revised Code.

Sec. 5121.07. Any person who has been charged with the payment of the support of a patient or resident of any benevolent institution ~~or~~; for pre-admission care, after-care, day-care, or routine consultation and treatment services in a community service unit under the control of the department of mental health or the department of mental retardation and developmental disabilities; or for the cost of state-operated community mental health services may petition the department for a release from, or modification of, such charge, and the department, after an investigation, may cancel or modify such former charge, or may cancel, compromise, or settle any accrued liability in an amount not exceeding five thousand dollars. Amounts in excess thereof may be canceled, compromised, or settled as provided in section 131.02 of the Revised Code. The department may for due cause increase the amount previously ordered paid.

Sec. 5121.08. The managing officers of the benevolent institutions under the control of the department of mental health and the department of mental retardation and developmental disabilities, the managing officers of state-operated community mental health services, and the committing court, if requested, shall submit to the department such information as they may obtain concerning the financial condition of any patient or resident or of relatives liable for the patient's or resident's support.

Sec. 5121.09. In case the estate of any patient or resident in a benevolent institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental

disabilities or receiving state-operated community mental health services is sufficient for ~~his~~ the patient's or resident's support, without hardship to any others who may be dependent thereon, and no guardian has been appointed for such estate, the agent of the department shall petition the probate court of the proper county to appoint a guardian.

Sec. 5121.10. Upon the death of a person who is a patient or resident, or has been a patient or resident, of any benevolent institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities or state-operated community mental health services, or upon the death of a person responsible under section 5121.06 of the Revised Code for the support of a patient or resident, the department may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a patient or resident are subject to section 1339.51 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter.

The department may accept from a guardian or trustee of a patient or resident a contract agreeing to pay to the state from the property of ~~his~~ the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the ward while ~~he~~ the ward is a patient or resident, with interest at four per cent per annum. A copy of the contract shall be filed in the probate court of the proper county and duly entered as a part of the records concerning the ward.

Sec. 5123.60. (A) A legal rights service is hereby created and established to protect and advocate the rights of mentally ill persons, mentally retarded persons, developmentally disabled persons, and other disabled persons who may be represented by the service pursuant to division (L) of this section; to receive and act upon complaints concerning institutional and hospital practices and conditions of institutions for mentally retarded or developmentally disabled persons and hospitals for the mentally ill; and to assure that all persons detained, hospitalized, discharged, or institutionalized, and all persons whose detention, hospitalization, discharge, or institutionalization is sought or has been sought under this chapter or Chapter 5122. of the Revised Code are fully informed of their rights and adequately represented by counsel in proceedings under this chapter or Chapter 5122. of the Revised Code and in any proceedings to secure the rights of such persons. Notwithstanding the definitions of "mentally retarded person" and "developmentally disabled person" in section 5123.01 of the

Revised Code, the legal rights service shall determine who is a mentally retarded or developmentally disabled person for purposes of this section and sections 5123.601 to 5123.604 of the Revised Code.

(B) In regard to those persons detained, hospitalized, or institutionalized under Chapter 5122. of the Revised Code, the legal rights service shall undertake formal representation only of those persons who are involuntarily detained, hospitalized, or institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service. If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in ~~his~~ the person's case, such involvement shall cease.

(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of ~~his~~ the person's rights pursuant to division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.

The waiver may be rescinded at any time by the voluntary patient or resident, or by ~~his~~ the voluntary patient's or resident's legal guardian.

(D) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, and establishing general policy guidelines for the legal rights service. The commission may receive and act upon appeals of personnel decisions by the administrator.

The commission shall consist of seven members. One member, who shall serve as ~~chairman~~ chairperson, shall be appointed by the chief justice of the supreme court, three members shall be appointed by the speaker of the house of representatives, and three members shall be appointed by the president of the senate. At least two members shall have experience in the field of developmental disabilities and at least two members shall have experience in the field of mental health. No member shall be a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons. Terms of office shall be for three years, each term ending on the same day of the month of the year as did the term which it succeeds. Each member shall serve subsequent to the expiration of ~~his~~ the member's term until ~~his~~ a successor is appointed and qualifies, or

until sixty days has elapsed, whichever occurs first. All vacancies shall be filled in the manner prescribed for the regular appointments to the commission and shall be limited to the unexpired terms. No member shall serve more than two consecutive terms.

The commission shall meet at least four times each year. Members shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

The administrator of the legal rights service shall be appointed for a five-year term, subject to removal for mental or physical incapacity to perform the duties of the office, conviction of violation of any law relating to ~~his~~ the administrator's powers and duties, or other good cause shown.

The administrator shall be a person who has had special training and experience in the type of work with which the legal rights service is charged. If the administrator is not an attorney, ~~he~~ the administrator shall seek legal counsel when appropriate. The salary of the administrator shall be established in accordance with section 124.14 of the Revised Code.

(E) The legal rights service shall be completely independent of the department of mental health and the department of mental retardation and developmental disabilities and, notwithstanding section 109.02 of the Revised Code, shall also be independent of the office of the attorney general. The administrator of the legal rights service, staff, and attorneys designated by ~~him~~ the administrator to represent persons detained, hospitalized, or institutionalized under this chapter or Chapter 5122. of the Revised Code shall have ready access:

(1) During normal business hours and at other reasonable times, to all records relating to expenditures of state and federal funds or to the commitment, care, treatment, and habilitation of all persons represented by the legal rights service, including those who may be represented pursuant to division (L) of this section, or persons detained, hospitalized, institutionalized, or receiving services under this chapter or Chapter 340., 5119., 5122., or 5126. of the Revised Code that are records maintained by the following entities providing services for those persons: departments; institutions; hospitals; community residential facilities; boards of alcohol, drug addiction, and mental health services; county boards of mental retardation and developmental disabilities; contract agencies of those boards; and any other entity providing services to persons who may be represented by the service pursuant to division (L) of this section;

(2) To any records maintained in computerized data banks of the departments or boards or, in the case of persons who may be represented by the service pursuant to division (L) of this section, any other entity that

provides services to those persons;

(3) During their normal working hours, to personnel of the departments, facilities, boards, agencies, institutions, hospitals and other service providing entities;

(4) At any time, to all persons detained, hospitalized, or institutionalized; persons receiving services under this chapter or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and persons who may be represented by the service pursuant to division (L) of this section.

(F) The administrator of the legal rights service shall:

(1) Administer and organize the work of the legal rights service and establish administrative or geographic divisions as ~~he~~ the administrator considers necessary, proper, and expedient;

(2) Adopt and promulgate rules and prescribe duties for the efficient conduct of the business and general administration of the legal rights service;

(3) Appoint and discharge employees, and hire such experts, consultants, advisors, or other professionally qualified persons as ~~he~~ the administrator considers necessary to carry out the duties of the legal rights service;

(4) Apply for and accept grants of funds, and accept charitable gifts and bequests;

(5) Prepare and submit a budget to the general assembly for the operation of the legal rights service;

(6) Enter into contracts and make such expenditures as are necessary for the efficient operation of the legal rights service;

(7) Annually prepare a report of activities and submit copies of the report to the governor, the chief justice of the supreme court, the president of the senate, the speaker of the house of representatives, the director of mental health, and the director of mental retardation and developmental disabilities, and make the report available to the public.

(G) The legal rights service may act directly or contract with other organizations or individuals for the provision of the services envisioned under this section. Whenever possible, the administrator shall attempt to facilitate the resolution of complaints through administrative channels. ~~The administrator may, when~~ if attempts at administrative resolution prove unsatisfactory, ~~initiate actions in mandamus and such other~~ the administrator may pursue any legal, administrative, and ~~equitable~~ other appropriate remedies ~~as~~ or approaches that may be necessary to accomplish the purposes of this section. Relationships between personnel and the agents of the legal rights service and its clients shall be fiduciary relationships, and all

ications shall be confidential, as if between attorney and client.

(H) The legal rights service, on the order of the administrator, with the approval of the commission, may compel by subpoena the appearance and sworn testimony of any person the administrator reasonably believes may be able to provide information or to produce any documents, books, records, papers, or other information necessary to carry out its duties.

(I) The legal rights service may conduct public hearings.

(J) The legal rights service may request from any governmental agency any cooperation, assistance, services, or data that will enable it to perform its duties.

(K) In any malpractice action filed against the administrator of the legal rights service, a member of the staff of the legal rights service, or an attorney designated by the administrator to perform legal services under division (E) of this section, the state shall, when the administrator, member, or attorney has acted in good faith and in the scope of ~~his~~ employment, indemnify the administrator, member, or attorney for any judgment awarded or amount negotiated in settlement, and for any court costs or legal fees incurred in defense of the claim.

This division does not limit or waive, and shall not be construed to limit or waive, any defense that is available to the legal rights service, its administrator or employees, persons under a personal services contract with it, or persons designated under division (E) of this section, including, but not limited to, any defense available under section 9.86 of the Revised Code.

(L) In addition to providing services to mentally ill, mentally retarded, or developmentally disabled persons, when a grant authorizing the provision of services to other individuals is accepted pursuant to division (F)(4) of this section, the legal rights service and its ~~ombudsman~~ ombudsperson section may provide advocacy or ~~ombudsman~~ ombudsperson services to those other individuals and exercise any other authority granted by this section or sections 5123.601 to 5123.604 of the Revised Code on behalf of those individuals. Determinations of whether an individual is eligible for services under this division shall be made by the legal rights service.

Sec. 5126.054. With respect to any home and community-based services program administered by the department of mental retardation and developmental disabilities through funding received as a result of a waiver of federal requirements that apply to the medical assistance program operated under Chapter 5111. of the Revised Code, a county board of mental retardation and developmental disabilities may participate in the waiver program by entering into an agreement with the department under which the board agrees to use and to continue using its funds as the state's

share of the combined state and federal cost of providing services to individuals under the waiver program. An agreement entered into under this section remains in effect as long as there are residents of the county who need the services made available under the waiver program or until the department cancels the agreement.

Funds the board may agree to use and continue using for the waiver program include state funds distributed by the department for the board's use in providing residential and other support services and county funds appropriated to the board by the board of county commissioners from tax levies and sources other than the county general fund. Funds used by a board under this section do not supplant funds appropriated to the department for use as the state's share of the cost of the waiver program.

The department may take any action necessary to ensure that a board fulfills the terms of an agreement it enters into under this section. If the department takes the action of withholding funds that it would otherwise distribute to the board and the amount withheld is insufficient to cover the state's share of the cost of services provided to the board's clients under the waiver program, the department may, through the attorney general, bring an action, including a mandamus action, against the board in the court of common pleas of the county served by the board or in the Franklin county court of common pleas. If the court finds that the department's claim is valid, the court shall order that the board provide the funds or that the funds be recovered in any other appropriate manner from sources of funds available for use by the county board of mental retardation and developmental disabilities.

The department shall establish uniform accounting practices to identify and segregate the funds that a county board agrees to use and to continue using pursuant to this section. The department may collect the funds from the boards and deposit them into the state treasury to the credit of a fund created by the controlling board for that purpose.

The department shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5126.35. As used in this section and in sections 5126.351 to ~~5126.356~~ 5126.357 of the Revised Code:

(A) "County board client" means a person enrolled in a program offered by a county board of mental retardation and developmental disabilities or receiving services from a county board.

(B) "County board worker" means a person who is employed by a county board of mental retardation and developmental disabilities or

vides services to county board clients either as a volunteer or pursuant to a contract with the board, except that "county board worker" does not include a health care professional acting within the scope of ~~his professional~~ practice authorized by the professional's license or certificate.

(C) "Delegated nursing task" means a task that is within the scope of practice of a nurse as determined pursuant to Chapter 4723. of the Revised Code and is delegated by a nurse to a county board worker pursuant to a policy adopted by a county board under section 5126.351 of the Revised Code.

(D) "Health care professional" means any of the following:

(1) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;

(2) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;

(3) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code;

(4) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;

(5) A doctor of medicine or osteopathic medicine, podiatrist, or a practitioner of a limited branch of medicine who holds a valid certificate issued under Chapter 4731. of the Revised Code;

(6) A physician's assistant for whom a physician holds a valid certificate of registration issued under section 4730.04 of the Revised Code;

(7) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapy assistant who holds a valid license issued under Chapter 4755. of the Revised Code;

(8) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.

(E) "Nurse" means a registered nurse or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code.

(F) "Prescribed medication" means a drug described in section 4729.01 of the Revised Code that is to be taken orally or applied topically pursuant to the instructions of a health care professional who is authorized by law to prescribe drugs.

Sec. 5126.357. (A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual who receives funding for the services as a county board client, including any client who receives residential services funded through the medical assistance program's home and community-based services waivers administered by the department of mental retardation and

developmental disabilities, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside a client's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of mental retardation and developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional. A county board worker may be an unlicensed in-home care worker.

(B) Except as provided in division (D) of this section, the parent or guardian of an individual with mental retardation or a developmental disability who is not more than twenty-one years of age or the guardian of an individual with mental retardation or a developmental disability who is age twenty-one or older may authorize an unlicensed in-home care worker to give or apply prescribed medication or perform other health care tasks as part of the in-home care provided to the individual, if the parent or guardian is the primary supervisor of the care and the unlicensed in-home care worker has been selected by the parent or guardian and is under the direct supervision of the parent or guardian. Sections 4723.62 and 5126.351 to 5126.356 of the Revised Code do not apply to the in-home care authorized by a parent or guardian under this section. Instead, a parent or guardian shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The parent or guardian shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The parent or guardian shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional.

(C) A parent or guardian who authorizes an unlicensed in-home care worker to give or apply prescribed medication or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of mental retardation and developmental disabilities, any

other entity that employs an unlicensed in-home care worker, and the department of mental retardation and developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a parent or guardian to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes wanton or reckless misconduct.

(D) A county board of mental retardation and developmental disabilities may evaluate the authority granted by a parent or guardian under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board determines that the parent or guardian has acted in a manner that is inappropriate for the health and safety of the individual receiving the services, the authorization granted by the parent or guardian to an unlicensed in-home care worker is void and the parent or guardian may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the parent or guardian an opportunity to file a complaint under section 5126.06 of the Revised Code.

Sec. 5139.27. The department of youth services shall adopt rules prescribing the minimum standards of construction for a school, forestry camp, or other facility established under section 2151.65 of the Revised Code for which financial assistance may be granted to assist in defraying the cost of the construction of ~~such~~ the school, forestry camp, or other facility. If an application for ~~such~~ that financial assistance is filed with the department under section 2151.651 of the Revised Code, and the department finds that the application is in proper form and the specifications for the construction of ~~such~~ the school, forestry camp, or other facility meet the minimum standards set forth in the rules adopted by the department, the department may, from moneys available to it for granting financial assistance for the construction of schools, forestry camps, or other facilities established under section 2151.65 of the Revised Code, grant financial assistance to the county making ~~such~~ the application, subject to the approval of the controlling board, in an amount not to exceed one-half of the county's share of the cost of construction of ~~such~~ the school, forestry camp, or other facility but not to exceed six thousand five hundred dollars for each bed unit provided for in ~~such~~ the school, forestry camp, or other facility. ~~No financial assistance shall be granted for the construction of any school, forestry camp, or other facility designed to accommodate more than one hundred fifty~~

~~children at any one time.~~ As used in this section, "construction" means the building and the initial equipping of new structures and, to the extent provided for in rules adopted by the department, the acquisition, remodeling, and initial equipping of existing structures, excluding architect's fees and the cost of land acquisition.

A county that receives financial assistance under this section shall not be obligated to repay ~~such~~ the assistance to the state unless the school, forestry camp, or other facility for which ~~such~~ the assistance is granted is used within the ten-year period immediately following its establishment for other than the purpose of rehabilitating children between the ages of twelve to eighteen years, other than psychotic or mentally retarded children, who are designated delinquent, as defined in section 2151.02 of the Revised Code, or unruly, as defined in section 2151.022 of the Revised Code, by order of a juvenile court. If the department of youth services finds that ~~such~~ the school, forestry camp, or other facility is used for other than ~~such~~ that purpose within ~~such~~ that ten-year period, ~~such~~ the county shall be obligated to repay ~~such~~ the assistance to the state and, through its board of county commissioners, may enter into an agreement with the director of budget and management for the discharge of ~~such~~ that obligation over a period not to exceed ten years in duration. Whenever a county is obligated to repay ~~such~~ that assistance to the state and its board of county commissioners fails to enter into or fails to comply with an agreement for the discharge of ~~such~~ that obligation, the tax commissioner, pursuant to section 5747.54 of the Revised Code, shall withhold from distribution to ~~such~~ the county from the local government fund an amount sufficient to discharge ~~such~~ the county from ~~such~~ that obligation to the state.

Sec. 5139.271. Subject to the approval of the controlling board, the department of youth services may grant and pay financial assistance to defray the county's share of the cost of acquiring or constructing a district detention home, established under section 2151.34 of the Revised Code, to any county making application under section 2151.3416 of the Revised Code if the department finds that the application was made in accordance with its rules and the home or the specifications for the home meet minimum standards established by the department. No financial assistance shall be granted for defraying the cost of architects' fees or land.

The department shall adopt rules prescribing the minimum standards of construction and condition of existing structures, established under section 2151.34 of the Revised Code, for which financial assistance is granted under this section. The department may recommend programs of education and training and the qualifications desired for personnel of a district detention

home.

The amount of financial assistance granted to any county shall not exceed one-half of the county's share of the cost of acquisition or construction of the home. The total of all state assistance for any home shall not exceed six thousand five hundred dollars for each bed unit provided for in ~~such~~ the home. ~~No financial assistance shall be granted for the construction of a home designed to accommodate more than one hundred fifty children at any one time.~~

A county which receives financial assistance under this section shall repay ~~such~~ the assistance to the state if the home for which ~~such~~ the assistance is granted is used within the ten-year period immediately following its establishment for purposes other than those contained in section 2151.34 of the Revised Code. A board of county commissioners which uses the home for any other purpose within ~~such~~ that period shall enter into an agreement with the director of budget and management for the discharge of ~~such~~ that obligation over a period not to exceed ten years. If a board of county commissioners fails to enter into an agreement for the discharge of ~~such~~ that obligation, or fails to comply with the terms of such an agreement, the director shall direct the tax commissioner, pursuant to section 5747.54 of the Revised Code, ~~shall~~ TO withhold from the distribution of the local government fund an amount sufficient to discharge the obligation.

As used in this section:

(A) "Construction" means the building and initial equipping of new structures.

(B) "Acquisition" means "acquisition" as defined in the rules of the department, which may include the purchase, remodeling, and initial equipping of existing structures.

Sec. 5139.28. The department of youth services shall adopt and promulgate rules prescribing the standards of operation, programs of education, and training and qualifications of personnel of a school, forestry camp, or other facility, established under section 2151.65 of the Revised Code, for which financial assistance may be granted to assist in defraying the cost of the operation and maintenance of the school, forestry camp, or other facility. If an application is made to the department under section 2151.652 of the Revised Code for financial assistance and the department finds that the application is in proper form and the standards of operation, programs of education, and training and qualifications of personnel of the school, forestry camp, or other facility meet the requirements of the rules of the department adopted under this section, the department, from moneys

made available to it for the purpose of granting financial assistance under this section, may grant financial assistance for the operation and maintenance of the school, forestry camp, or other facility in an amount not to exceed one-half of the cost of operating and maintaining the school, forestry camp, or other facility.

The department shall not grant financial assistance for the operation or maintenance of a school, forestry camp, or other facility established under section 2151.65 of the Revised Code unless it is used solely for the purpose of rehabilitating children between twelve and eighteen years of age, other than psychotic or mentally retarded children, who have been adjudicated delinquent children or unruly children by order of a juvenile court. ~~The department shall not grant financial assistance for the operation or maintenance of a school, forestry camp, or other facility established under section 2151.65 of the Revised Code that houses more than one hundred fifty children at any one time.~~

Sec. 5139.281. The department of youth services shall adopt rules prescribing the manner of application for financial assistance under this section for the operation and maintenance of a detention home provided, or district detention home established, under section 2151.34 of the Revised Code and prescribing minimum standards of operation, including criteria for programs of education, training, counseling, recreation, health, and safety, and qualifications of personnel with which a home shall comply as a condition of eligibility for assistance under this section. If the board of county commissioners providing a detention home or the board of trustees of a district detention home applies to the department for assistance and if the department finds that the application is in accordance with the rules adopted under this section and that the home meets the minimum standards adopted under this section, the department may grant assistance to the applicant board for the operation and maintenance of each home in an amount not to exceed fifty per cent of the approved annual operating cost. The board shall make a separate application for each year for which assistance is requested. ~~The department shall not grant assistance for the operation and maintenance of a home that is designed to accommodate fewer than ten children or that houses more than one hundred fifty children at any one time.~~

The department shall adopt any necessary rules for the care, treatment, and training in a district detention home of children found to be delinquent children and committed to the home by the juvenile court under section 2151.355 of the Revised Code and may approve for this purpose any home that is found to be in compliance with the rules it adopts.

The department shall provide, at least once every six months, in-service training programs for staff members of detention homes or district detention homes and shall pay all travel and other necessary expenses incurred by participating staff members.

Sec. 5139.43. (A) The department of youth services shall operate a felony delinquent care and custody program with the remainder of the appropriation described in division (E) of section 5139.41 of the Revised Code. The program shall be operated in accordance with the formula developed pursuant to sections 5139.41 and 5139.42 of the Revised Code, subject to the conditions specified in this section, and in conjunction with the contingency program described in section 5139.45 of the Revised Code.

(B)(1) The department of youth services annually shall allocate to each county a portion of the remainder of the appropriation described in division (E) of section 5139.41 of the Revised Code. The portion to be allocated to each county shall be determined by multiplying the county's percentage determined under division (E) of section 5139.42 of the Revised Code by the amount of that remainder. The department shall divide the portion to be allocated to each county by twelve or, if in a particular fiscal year the felony delinquent care and custody program is in effect in a county less than twelve months, by the number of months the program is in effect in that county to determine the monthly allocation to that county.

(2)(a) Except as provided in ~~division~~ divisions (B)(2)(b) and (E) of this section, the department shall reduce the monthly allocation for each fiscal year to each county as determined under division (B)(1) of this section by both of the following:

(i) Seventy-five per cent of the amount determined by multiplying the per diem cost for the care and custody of felony delinquents, as determined pursuant to division (D) of section 5139.42 of the Revised Code, by the number of felony delinquents who have been adjudicated delinquent children and, except as otherwise provided in divisions (B)(2)(a) and (3) of this section, who are in the care and custody of an institution pursuant to a commitment, recommitment, or revocation of a release by the juvenile court of that county;

(ii) Fifty per cent of the amount determined by multiplying the per diem cost for the care and custody of felony delinquents, as determined pursuant to division (D) of section 5139.42 of the Revised Code, by the number of felony delinquents who have been adjudicated delinquent children and, except as otherwise provided in division (B)(3) of this section, who are in the care and custody of a community corrections facility pursuant to a placement by the department with the consent of the juvenile court of that

county as described in division (E) of section 5139.36 of the Revised Code.

Public safety beds shall not be included in the number of felony delinquents who have been adjudicated delinquent children by a juvenile court in making the seventy-five per cent reduction described in division (B)(2)(a)(i) of this section. The department shall bear the care and custody costs associated with public safety beds.

(b) If a county has exhausted its current and future monthly allocations for the current fiscal year as determined under division (B)(1) of this section, the department shall bear the remainder of the amounts calculated under divisions (B)(2)(a)(i) and (ii) of this section for the care and custody of felony delinquents who are in the care and custody of an institution pursuant to a commitment, recommitment, or revocation of a release or in the care and custody of a community corrections facility by debiting, in accordance with division (C)(2) of section 5139.45 of the Revised Code, the amount of the appropriation for care and custody of felony delinquents that was set aside for the contingency program pursuant to division (A) of section 5139.41 of the Revised Code.

(3)(a) Subject to divisions (B)(2)(b) and (4) and (C)(3)(b) and (c) of this section and subject to the special provisions of division (B)(3)(b) of this section pertaining to monthly allocations under divisions (B)(1) and (2)(a) of this section for the month of June, after the application of division (B)(2)(a) of this section and on or before the fifteenth day of the following month, the department shall disburse to the juvenile court of each county the remainder of the monthly allocation of that county as determined pursuant to divisions (B)(1) and (2)(a) of this section.

(b)(i) For the monthly allocation for the month of June of each fiscal year, the department shall estimate for each county the number of felony delinquents described in divisions (B)(2)(a)(i) and (ii) of this section rather than use the actual number of those felony delinquents, shall use the estimated number of those felony delinquents in making the seventy-five per cent and fifty per cent reductions described in those divisions, and shall encumber the remainder of the estimated monthly allocation of each county for the month of June, as determined pursuant to divisions (B)(1), (2)(a), and (3)(b)(i) of this section, for disbursement in the month of July of the next fiscal year in accordance with division (B)(3)(b)(ii) of this section. If the total of the seventy-five per cent and fifty per cent reductions described in division (B)(2)(a) of this section exceeds the estimated monthly allocation of a county for the month of June as so determined, the department may cover the amount of the excess by debiting, in accordance with division (C)(2) of section 5139.45 of the Revised Code, the amount of the

appropriation for care and custody of felony delinquents that was set aside for the contingency program pursuant to division (A) of section 5139.41 of the Revised Code.

(ii) In the month of July of each new fiscal year, the department shall reconcile for each county the estimated reductions that occurred pursuant to divisions (B)(2)(a) and (3)(b)(i) of this section and the reductions that should have occurred pursuant to division (B)(2)(a) of this section by using the actual number of felony delinquents described in divisions (B)(2)(a)(i) and (ii) of this section for the month of June of the prior fiscal year. After that reconciliation occurs, subject to divisions (B)(2)(b) and (4) and (C)(3)(b) and (c) of this section, the department shall disburse to each county the remainder of its monthly allocation for the month of June of the prior fiscal year as adjusted pursuant to the reconciliation and division (B)(3)(b)(ii) of this section.

In connection with the adjustments in the monthly allocations for the month of June of the prior fiscal year, if the encumbered monthly allocations of one or more counties for that month exceed or are less than the monthly allocations for that month to which those counties are entitled under divisions (B)(1) and (2)(a) of this section by using the actual number of felony delinquents described in divisions (B)(2)(a)(i) and (ii) of this section rather than the estimated number of those felony delinquents, the department may make the necessary adjustments in the monthly allocations of those counties for the month of June of the prior fiscal year within the total of the moneys for monthly allocations for that month that were encumbered for all of the counties. If that total amount is insufficient to make the requisite monthly allocations for that month to all counties in accordance with divisions (B)(1) and (2)(a) of this section, the department shall cover the insufficiency by debiting, in accordance with division (C)(2) of section 5139.45 of the Revised Code, the amount of the appropriation for care and custody of felony delinquents that was set aside for the contingency program pursuant to division (A) of section 5139.41 of the Revised Code.

(4) Notwithstanding the general disbursement requirements of division (B)(3)(a) and (b)(ii) of this section, if a juvenile court fails to comply with division (C)(3)(d) of this section and the department is not able to reconcile fiscal accounting as a consequence of that failure, the department is not required to make any disbursement in accordance with division (B)(3)(a) or (b)(ii) of this section to the juvenile court until it complies with division (C)(3)(d) of this section.

(C)(1) Each juvenile court shall use the moneys disbursed to it by the department of youth services pursuant to division (B) of this section in

ccordance with the applicable provisions of division (C)(2) of this section and shall transmit the moneys to the county treasurer for deposit in accordance with this division. The county treasurer shall create in the county treasury a fund that shall be known as the felony delinquent care and custody fund and shall deposit in that fund the moneys disbursed to the juvenile court pursuant to division (B) of this section. The county treasurer also shall deposit into that fund the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code. The moneys disbursed to the juvenile court pursuant to division (B) of this section and deposited pursuant to this division in the felony delinquent care and custody fund shall not be commingled with any other county funds except state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code; shall not be used for any capital construction projects; upon an order of the juvenile court and subject to appropriation by the board of county commissioners, shall be disbursed to the juvenile court for use in accordance with the applicable provisions of division (C)(2) of this section; shall not revert to the county general fund at the end of any fiscal year; and shall carry over in the felony delinquent care and custody fund from the end of any fiscal year to the next fiscal year. The moneys disbursed to the juvenile court pursuant to division (B) of this section and deposited pursuant to this division in the felony delinquent care and custody fund shall be in addition to, and shall not be used to reduce, any usual annual increase in county funding that the juvenile court is eligible to receive or the current level of county funding of the juvenile court and of any programs or services for delinquent children, unruly children, or juvenile traffic offenders.

(2)(a) A county and the juvenile court that serves the county shall use the moneys in its felony delinquent care and custody fund in accordance with rules that the department of youth services adopts pursuant to division (E) of section 5139.04 of the Revised Code and as follows:

(i) The moneys in the fund that represent state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code shall be used to aid in the support of prevention, early intervention, diversion, treatment, and rehabilitation programs that are provided for alleged or adjudicated unruly children or delinquent children or for children who are at risk of becoming unruly children or delinquent children. The county shall not use for capital improvements more than fifteen per cent of the moneys in the fund that represent the applicable annual grant of those state subsidy funds.

(ii) The moneys in the fund that were disbursed to the juvenile court pursuant to division (B) of this section and deposited pursuant to division (C)(1) of this section in the fund shall be used to provide programs and

ces for the training, treatment, or rehabilitation of felony delinquents that are alternatives to their commitment to the department, including, but not limited to, community residential programs, day treatment centers, services within the home, and electronic monitoring, and shall be used in connection with training, treatment, rehabilitation, early intervention, or other programs or services for any delinquent child, unruly child, or juvenile traffic offender who is under the jurisdiction of the juvenile court. For purposes of division (C)(2)(a)(ii) of this section, a delinquent child includes a child who is so adjudicated for the commission of an act that if committed by an adult would be a misdemeanor or felony.

If, during the previous state fiscal year, the county did not exceed in any month its monthly allocation as determined pursuant to division (B)(1) of this section in connection with felony delinquents described in divisions (B)(2)(a)(i) and (ii) of this section, the moneys in the fund that were disbursed to the juvenile court pursuant to division (B) of this section and deposited pursuant to division (C)(1) of this section in the fund also may be used for prevention, early intervention, diversion, treatment, and rehabilitation programs that are provided for alleged or adjudicated unruly children, delinquent children, or juvenile traffic offenders or for children who are at risk of becoming unruly children, delinquent children, or juvenile traffic offenders. Consistent with division (C)(1) of this section, a county and the juvenile court of a county shall not use any of those moneys for capital construction projects.

(iii) The county and the juvenile court that serves the county may not use moneys in the fund for the provision of care and services for children, including, but not limited to, care and services in a detention facility, in another facility, or in out-of-home placement, unless the minimum standards that apply to the care and services and that the department prescribes in rules adopted pursuant to division (E) of section 5139.04 of the Revised Code have been satisfied.

(b) Each juvenile court shall comply with division (C)(3)(d) of this section as implemented by the department. If a juvenile court fails to comply with that division and the department is not able to reconcile fiscal accounting as a consequence of the failure, the provisions of division (B)(4) of this section shall apply.

(3) In accordance with rules adopted by the department pursuant to division (E) of section 5139.04 of the Revised Code, each juvenile court and the county served by that juvenile court shall do all of the following that apply:

(a) The juvenile court shall prepare an annual grant agreement and

lication for funding that satisfies the requirements of this section and section 5139.34 of the Revised Code and that pertains to the use, upon an order of the juvenile court and subject to appropriation by the board of county commissioners, of the moneys in its felony delinquent care and custody fund for specified programs, care, and services as described in division (C)(2)(a) of this section, shall submit that agreement and application to the county family and children first council, the regional family and children first council, or the local intersystem services to children cluster as described in sections 121.37 and 121.38 of the Revised Code, whichever is applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and application for funding shall include a method of ensuring equal access for minority youth to the programs, care, and services specified in it.

The department may approve an annual grant agreement and application for funding only if the juvenile court involved has complied with the preparation, submission, and filing requirements described in division (C)(3)(a) of this section. If the juvenile court complies with those requirements and the department approves that agreement and application, the juvenile court and the county served by the juvenile court may expend the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code only in accordance with division (C)(2)(a) of this section, the rules pertaining to state subsidy funds that the department adopts pursuant to division (E) of section 5139.04 of the Revised Code, and the approved agreement and application.

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year that will permit the department to prepare the report described in division (D) of this section and the annual report described in division (H) of section 5139.04 of the Revised Code. If the juvenile court fails to file the report required by division (C)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B)(3)(a) or (b)(ii) of this section the remainder of the applicable monthly allocation of the county until the juvenile court fully complies with division (C)(3)(b) of this section.

(c) If the department requires the juvenile court to prepare monthly statistical reports for use under section 5139.42 of the Revised Code and to submit the reports on forms provided by the department, the juvenile court

shall file those reports with the department on the forms so provided. If the juvenile court fails to prepare and submit those monthly statistical reports within the department's timelines, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B)(3)(a) or (b)(ii) of this section the remainder of the applicable monthly allocation of the county until the juvenile court fully complies with division (C)(3)(c) of this section. If the juvenile court fails to prepare and submit those monthly statistical reports within one hundred eighty days of the date the department establishes for their submission, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B)(3)(a) or (b)(ii) of this section the remainder of the applicable monthly allocation of the county, and the state subsidy funds and the remainder of the applicable monthly allocation shall revert to the department. If a juvenile court states in a monthly statistical report that the juvenile court adjudicated within a state fiscal year five hundred or more children to be delinquent children for committing acts that would be felonies if committed by adults and if the department determines that the data in the report may be inaccurate, the juvenile court shall have an independent auditor or other qualified entity certify the accuracy of the data on a date determined by the department.

(d) If the department requires the juvenile court and the county to participate in a fiscal monitoring program or another monitoring program that is conducted by the department to ensure compliance by the juvenile court and the county with division (C) of this section, the juvenile court and the county shall participate in the program and fully comply with any guidelines for the performance of audits adopted by the department pursuant to that program and all requests made by the department pursuant to that program for information necessary to reconcile fiscal accounting. If an audit that is performed pursuant to a fiscal monitoring program or another monitoring program described in this division determines that the juvenile court or the county used moneys in the county's felony delinquent care and custody fund for expenses that are not authorized under division (C) of this section, within forty-five days after the department notifies the county of the unauthorized expenditures, the county either shall repay the amount of the unauthorized expenditures to the state's general revenue fund or shall file a written appeal with the department. If an appeal is timely filed, the director of the department shall render a decision on the appeal and shall notify the appellant county or its juvenile court of that decision within forty-five days

after the date that the appeal is filed. If the director denies an appeal, the county's fiscal agent shall repay the amount of the unauthorized expenditures to the state's general revenue fund within thirty days after receiving the director's notification of the appeal decision. If the county fails to make the repayment within that thirty-day period and if the unauthorized expenditures pertain to moneys allocated under sections 5139.41 to 5139.45 of the Revised Code, the department shall deduct the amount of the unauthorized expenditures from the next monthly allocation of those moneys to the county in accordance with this section or from the allocations that otherwise would be made under those sections to the county during the next state fiscal year in accordance with this section and shall return that deducted amount to the state's general revenue fund. If the county fails to make the repayment within that thirty-day period and if the unauthorized expenditures pertain to moneys granted pursuant to section 5139.34 of the Revised Code, the department shall deduct the amount of the unauthorized expenditures from the next annual grant to the county pursuant to that section and shall return than deducted amount to the state's general revenue fund.

(D) On or prior to the first day of December of each year, the department of youth services shall submit to the joint legislative committee on juvenile corrections overcrowding a report that pertains to the operation of sections 5139.34 and 5139.41 to 5139.45 of the Revised Code during the immediately preceding state fiscal year and that includes, but is not limited to, the following:

(1) A description of the programs, care, and services that were financed under those sections in each county;

(2) The number of felony delinquents, other delinquent children, unruly children, and juvenile traffic offenders served by the programs, care, and services in each county;

(3) The total number of children adjudicated in each juvenile court as felony delinquents;

(4) The total number of felony delinquents who were committed by the juvenile court of each county to the department and who were in the care and custody of an institution or a community corrections facility;

(5) A breakdown of the felony delinquents described in division (D)(4) of this section on the basis of the types and degrees of felonies committed, the ages of the felony delinquents at the time they committed the felonies, and the sex and race of the felony delinquents.

(E) The determination of which county a reduction of the monthly care and custody allocation will be charged against for a particular youth shall be

made as outlined below for all youths who do not qualify as public safety beds. The determination of which county a reduction of the monthly care and custody allocation will be charged against shall be made as follows until each youth is released:

(1) In the event of a commitment, the reduction shall be charged against the committing county.

(2) In the event of a recommitment, the reduction shall be charged against the original committing county until the expiration of the minimum period of institutionalization under the original order of commitment or until the date on which the youth is admitted to the department of youth services pursuant to the order of recommitment, whichever is later. Reductions of the monthly allocation shall be charged against the county that recommitted the youth after the minimum expiration date of the original commitment.

(3) In the event of a revocation of a release on parole, the reduction shall be charged against the county that revokes the youth's parole.

Sec. 5139.50. (A) The release authority of the department of youth services is hereby created as ~~an independent administrative division~~ a bureau in the department. The release authority shall consist of five members who are appointed by the director of youth services and who have the qualifications specified in division (B) of this section. The members of the release authority shall devote their full time to the duties of the release authority and shall neither seek nor hold other public office. The members shall be in the unclassified civil service.

(B) A person appointed as a member of the release authority shall have a bachelor's degree from an accredited college or university or equivalent relevant experience and shall have the skills, training, or experience necessary to analyze issues of law, administration, and public policy. The membership of the release authority shall represent, insofar as practicable, the diversity found in the children in the legal custody of the department of youth services.

In appointing the five members, the director shall ensure that the appointments include all of the following:

(1) At least four members who have five or more years of experience in criminal justice, juvenile justice, or an equivalent relevant profession;

(2) At least one member who has experience in victim services or advocacy or who has been a victim of a crime or is a family member of a victim;

(3) At least one member who has experience in direct care services to delinquent children;

(4) At least one member who holds a juris doctor degree from an

ted college or university.

(C) The initial appointments of members of the release authority shall be for a term of six years for the chairperson and one member, a term of four years for two members, and a term of two years for one member. Thereafter, members shall be appointed for six-year terms. At the conclusion of a term, a member shall hold office until the appointment and qualification of the member's successor. The director shall fill a vacancy occurring before the expiration of a term for the remainder of that term and may appoint an interim member to fulfill the duties of a member who is on extended leave or disability status. A member may be reappointed, but a member may serve no more than two consecutive terms regardless of the length of the member's initial term. A member may be removed for good cause ~~shown after a full and open hearing~~ by the ~~release authority, if requested by the member, at which the member has an opportunity to respond to the allegations that provide the basis for a call for removal~~ director.

(D) The director of youth services shall designate as chairperson of the release authority one of the members who has experience in criminal justice, juvenile justice, or an equivalent relevant profession. The chairperson shall ~~have full authority over the administration and management of the release authority,~~ be a managing officer of the department, shall supervise the members of the board and the other staff in the bureau, and shall perform all duties and functions necessary to ensure that the release authority discharges its responsibilities~~, and shall act as the appointing authority for all staff of the release authority. The chairperson shall employ staff as necessary to carry out the duties of the release authority, including hearing representatives to participate in the hearing of cases on review and persons to provide administrative support~~. The chairperson shall serve as the official spokesperson for the release authority.

(E) ~~A majority of the members of the release authority shall constitute a quorum for transacting the official business of the authority. The actions of the release authority shall be determined by a majority vote of the quorum.~~

~~(F)~~ The release authority shall do all of the following:

(1) ~~Serve as the final and sole authority for making~~ Make decisions, in the interests of public safety and the children involved, regarding the release and discharge of all children committed to the legal custody of the department of youth services, except children placed on judicial release or early release by a juvenile court, children who have not completed a prescribed minimum period of time or prescribed period of time in a secure facility, or children who are required to remain in a secure facility until they attain twenty-one years of age;

(2) Establish written policies and procedures for conducting ~~a~~ periodic ~~review~~ reviews of the status of ~~each child~~ children in the custody of the department, setting or modifying dates of release and discharge ~~for each child~~, ~~specifying~~ communicating to the court the duration, terms, and conditions of release to be carried out in supervised release subject to the addition of additional consistent terms and conditions by a court in accordance with section 5139.51 of the Revised Code, and giving a child notice of all reviews;

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;

(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;

(5) Collect, develop, and maintain statistical information regarding its services and decisions;

(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director~~;~~

~~(7) Adopt rules and written policies and procedures to govern its operations~~.

~~(G)~~(F) The release authority may do any of the following:

(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;

(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;

(3) Administer oaths and receive testimony of persons under oath;

(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;

(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time~~;~~

~~(6) Require that the terms and conditions of a child's supervised release be enforced during the period of supervised release until discharge;~~

~~(7) Exercise any other powers necessary to discharge its responsibilities.~~

~~(H) The release authority shall adopt specific written policies governing the discharge of its responsibilities either by the full membership of the authority or by the delegation of authority to one or more members of the release authority or to hearing representatives. The policy shall require that a hearing be conducted by not fewer than two members of the release authority, two hearing representatives, or a combination of a member of the authority and a hearing representative.~~

~~(I) The release authority shall not delegate its authority to make final decisions regarding policy or the release of a child~~.

~~(J)~~(G) The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions. ~~The policy shall provide that a child may appeal to the full release authority a decision denying release or discharge made at a hearing conducted by a panel that does not include all of the members of the release authority. The policy also shall provide that if a decision denying release or discharge is made by the full release authority, the child may request one appeal hearing at which the child shall be afforded a final opportunity to present new or additional information related to any of the reasons enumerated by the release authority in the decision under appeal. The release authority shall consider an appeal in accordance with the policy and procedure established under this division.~~

~~(K)~~(H) The legal staff of the department of youth services shall provide assistance~~, upon request,~~ to the release authority in the formulation of policy and in its handling of individual cases. ~~The attorney general shall provide legal representation for the release authority. The department of youth services shall provide the release authority with a budget sufficient to properly perform its obligations and responsibilities, subject to administrative controls.~~

Sec. 5139.51. (A) The release authority of the department of youth services shall not release a child who is in the custody of the department of youth services from institutional care or institutional care in a secure facility and shall not discharge the child or order the child's release on supervised release prior to the expiration of the prescribed minimum period of institutionalization or institutionalization in a secure facility or prior to the child's attainment of twenty-one years of age, whichever is applicable under the order of commitment, other than as is provided in division (A) of section 2151.38 of the Revised Code. The release authority may conduct periodic reviews of the case of each child who is in the custody of the department

nd who is eligible for supervised release or discharge after completing the minimum period of time or period of time in an institution prescribed by the committing court. At least thirty days prior to conducting a periodic review of the case of a child who was committed to the department regarding the possibility of supervised release or discharge and at least thirty days prior to conducting a release review, a release hearing, or a discharge review under division (E) of this section, the release authority shall give notice of the review or hearing to the court that committed the child, to the prosecuting attorney in the case, and to the victim of the delinquent act for which the child was committed or the victim's representative. If a child is on supervised release and has had the child's parole revoked, and if, upon release, there is insufficient time to provide the notices otherwise required by this division, the release authority, at least ten days prior to the child's release, shall provide reasonable notice of the child's release to the court that committed the child, to the prosecuting attorney in the case, and to the victim of the delinquent act for which the child was committed or the victim's representative. The court or prosecuting attorney may submit to the release authority written comments regarding, or written objections to, the supervised release or discharge of that child. Additionally, if the child was committed for an act that is a category one or category two offense, the court or prosecuting attorney orally may communicate to a representative of the release authority comments regarding, or objections to, the supervised release or discharge of the child or, if a hearing is held regarding the possible release or discharge of the child, may communicate those comments at the hearing. In conducting the review of the child's case regarding the possibility of supervised release or discharge, the release authority shall consider any comments and objections so submitted or communicated by the court or prosecutor and any statements or comments submitted or communicated under section 5139.56 of the Revised Code by a victim of an act for which the child was committed to the legal custody of the department or by the victim's representative of a victim of an act of that type.

The release authority shall determine the date on which a child may be placed on supervised release or discharged. If the release authority believes that a child should be placed on supervised release, it shall comply with division (B) of this section. If the release authority believes that a child should be discharged, it shall comply with division (C) or (E) of this section. If the release authority denies the supervised release or discharge of a child, it shall provide the child with a written record of the reasons for the decision.

(B)(1) When the ~~release authority~~ department decides to place a child on supervised release, consistent with division (D) of this section, it shall prepare a written supervised release plan that specifies the terms and conditions upon which the child is to be released from an institution on supervised release and, at least thirty days prior to the release of the child on the supervised release, shall send to the committing court and the juvenile court of the county in which the child will be placed a copy of the supervised release plan and the terms and conditions ~~that it fixes~~ of release. The juvenile court of the county in which the child will be placed, within fifteen days after its receipt of the copy of the supervised release plan, may add to the supervised release plan any additional consistent terms and conditions it considers appropriate, provided that the court may not add any term or condition that decreases the level or degree of supervision specified by the release authority in the plan, that substantially increases the financial burden of supervision that will be experienced by the department of youth services, or that alters the placement specified by the ~~release authority in the~~ plan.

If, within fifteen days after its receipt of the copy of the ~~release authority's~~ supervised release plan, the juvenile court of the county in which the child will be placed does not add to the supervised release plan any additional terms and conditions, the court shall enter the ~~release authority's~~ supervised release plan in its journal within that fifteen-day period and, within that fifteen-day period, shall send to the release authority a copy of the journal entry of the supervised release plan. The journalized plan shall apply regarding the child's supervised release.

If, within fifteen days after its receipt of the copy of the ~~release authority's~~ supervised release plan, the juvenile court of the county in which the child will be placed adds to the supervised release plan any additional terms and conditions, the court shall enter the ~~release authority's~~ supervised release plan and the additional terms and conditions in its journal and, within that fifteen-day period, shall send to the release authority a copy of the journal entry of the supervised release plan and additional terms and conditions. The journalized supervised release plan and additional terms and conditions added by the court that satisfy the criteria described in this division shall apply regarding the child's supervised release.

If, within fifteen days after its receipt of the copy of the supervised release plan, the juvenile court of the county in which the child will be placed neither enters in its journal the ~~release authority's~~ supervised release plan nor enters in its journal the ~~release authority's~~ supervised release plan plus additional terms and conditions added by the court, the court and the

department of youth services may attempt to resolve any differences regarding the plan within three days. If a resolution is not reached within that three-day period, thereafter, the ~~release authority's~~ supervised release plan shall be enforceable to the same extent as if the court actually had entered the ~~release authority's~~ supervised release plan in its journal.

(2) When the release authority receives from the court a copy of the journalized supervised release plan and, if applicable, a copy of the journalized additional terms and conditions added by the court, the release authority shall keep the original copy or copies in the child's file and shall provide a copy of each document to the child, the employee of the department who is assigned to supervise and assist the child while on release, and the committing court.

(C) If a child who is in the custody of the department of youth services was committed pursuant to division (A)(4) or (5) of section 2151.355 of the Revised Code and has been institutionalized or institutionalized in a secure facility for the prescribed minimum periods of time under those divisions and if the release authority is satisfied that the discharge of the child without the child being placed on supervised release would be consistent with the welfare of the child and protection of the public, the ~~release authority~~ department, without approval of the court that committed the child, may discharge the child from its custody and control without placing the child on supervised release. Additionally, the department may discharge a child in its custody without the child being placed on supervised release if the child is removed from the jurisdiction of this state by a court order of a court of this state, another state, or the United States, or by any agency of this state, another state, or the United States, if the child is convicted of or pleads guilty to any criminal offense, or as otherwise provided by law. At least fifteen days before the scheduled date of discharge of the child without the child being placed on supervised release, the department shall notify the committing court, in writing, that it is going to discharge the child and of the reason for the discharge. Upon discharge of the child without the child being placed on supervised release, the department immediately shall certify the discharge in writing and shall transmit the certificate of discharge to the committing court.

(D) In addition to requirements that are reasonably related to the child's prior pattern of criminal or delinquent behavior and the prevention of further criminal or delinquent behavior, the ~~release authority~~ department shall specify the following requirements for each child whom it releases:

(1) The child shall observe the law.

(2) The child shall maintain appropriate contact, as specified in the

written supervised release ~~document~~ plan for that child~~, with the employee of the department assigned to supervise and assist the child~~.

(3) The child shall not change residence unless the child seeks prior approval for the change from the employee of the department assigned to supervise and assist the child, provides that employee, at the time the child seeks the prior approval for the change, with appropriate information regarding the new residence address at which the child wishes to reside, and obtains the prior approval of that employee for the change.

(E) The period of a child's supervised release may extend from the date of release from an institution until the child attains twenty-one years of age. If the period of supervised release extends beyond one year after the date of release, the child may request in writing that the release authority conduct a discharge review after the expiration of the one-year period or the minimum period or period. If the child so requests, the release authority shall conduct a discharge review and give the child its decision in writing. The release authority shall not grant a discharge prior to the discharge date if it finds good cause for retaining the child in the custody of the department until the discharge date. A child may request an additional discharge review six months after the date of a previous discharge review decision, but not more than once during any six-month period after the date of a previous discharge review decision.

(F) At least two weeks before ~~the release authority places on supervised release or discharges~~ a child who was committed to the legal custody of the department is placed on supervised release or discharged, the release authority shall provide notice of the release or discharge as follows:

(1) In relation to the placement on supervised release or discharge of a child who was committed to the department for committing an act that is a category one or category two offense ~~and in relation to the discharge of a child who was committed to the department for committing any act~~, the release authority shall notify, by the specified deadline, all of the following of the release or discharge:

(a) The prosecuting attorney of the county in which the child was adjudicated a delinquent child and committed to the custody of the department;

(b) Whichever of the following is applicable:

(i) If upon the supervised release or discharge the child will reside in a municipal corporation, the chief of police or other chief law enforcement officer of that municipal corporation;

(ii) If upon the supervised release or discharge the child will reside in an unincorporated area of a county, the sheriff of that county.

(2) In relation to the placement on supervised release or discharge of a child who was committed to the department for committing any act, the release authority shall notify, by the specified deadline, each victim of the act for which the child was committed to the legal custody of the department who, pursuant to section 5139.56 of the Revised Code, has requested to be notified of the placement of the child on supervised release or the discharge of the child, provided that, if any victim has designated a person pursuant to that section to act on the victim's behalf as a victim's representative, the notification required by this division shall be provided to that victim's representative.

Sec. 5139.55. (A)(1) The office of victims' services is hereby created within the ~~release authority of the~~ department of youth services. The office of victims' services shall provide assistance to victims, victims' representatives, and members of a victim's family. The assistance shall include, but shall not be limited to, all of the following:

(a) If the court has provided the name and address of the victims of the child's acts to the department of youth services, notification that the child has been committed to the department, notification of the right of the victim or another authorized person to designate a person as a victim's representative under section 5139.56 of the Revised Code and of the actions that must be taken to make that designation, and notification of the right to be notified of release reviews, pending release hearings, revocation reviews, and discharge reviews related to that child and of the right to participate in release proceedings under that section and of the actions that must be taken to exercise those rights;

(b) The provision of information about the policies and procedures of the department of youth services and the status of children in the legal custody of the department.

(2) The office shall make available ~~publications~~ information to assist victims ~~in contacting staff of the department about problems with~~ of delinquent children on supervised release or in a secure facility.

(B) The office of victims' services shall employ a victims coordinator who shall administer the duties of the office. The victims coordinator shall be in the unclassified civil service and~~, as~~ a managing officer of the department~~, shall report directly to the chairperson of the release authority~~. The office shall employ other staff members to assist the members of the release authority and hearing representatives in identifying victims' issues, ensure that the release authority upholds the provisions of section 5139.56 of the Revised Code, and make recommendations to the release authority in accordance with policies adopted by the department. ~~The chairperson of the~~

~~release authority shall approve the hiring of the employees of the office.~~

(C) The office of victims' services shall coordinate its activities with the chairperson of the release authority. The victims coordinator and other employees of the office shall have full access to the records of children in the legal custody of the department in accordance with division (D) of section 5139.05 of the Revised Code.

Sec. 5145.19. (A) There is hereby established a pilot program, in the manner specified in division (B) of this section, pursuant to which the department of rehabilitation and correction shall purchase supplies and services for the northwest Ohio close security prison.

(B) Except as otherwise provided in this division, the department need not comply with sections 125.01 to 125.11, sections 4115.31 to 4115.35, or section 5119.16 of the Revised Code when it purchases supplies and services for the northwest Ohio close security prison. The department shall comply with section 125.081 and division (B) of section 125.11 of the Revised Code when it purchases supplies and services for the prison. The department shall purchase supplies and services for the prison that are available and produced by programs for the employment of prisoners established under section 5145.16 of the Revised Code.

When making a purchase that exceeds the amounts determined under divisions (B) and (D) of section 125.05 of the Revised Code and that is not a purchase of supplies or services produced by programs for the employment of prisoners established under section 5145.16 of the Revised Code, the department shall award the contract pursuant to competitive sealed bidding to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code, after giving notice as provided in section 125.07 of the Revised Code.

Prices paid for supplies and services purchased for the northwest Ohio close security prison shall be fair and reasonable and shall not be greater than the usual prices the department of rehabilitation and correction must pay to the Department of administrative services for supplies and services purchased under term contracts of the department of administrative services. Preference shall be given in purchasing supplies and services for the prison, in accordance with the second paragraph of section 5120.24 of the Revised Code, to vendors in the area in which the prison is located as long as the price paid is fair and reasonable and is not greater than the usual price.

One-half of any amounts saved as a result of purchases made with state funds under this division shall be deposited to the credit of the general revenue fund of the state, and the other half of the amounts saved as a result of purchases made with state funds under this division, plus any amounts

saved as a result of purchases made under this division with federal funds, shall be used for educational or rehabilitation programs at the northwest Ohio close security prison as determined by the prison's warden.

Sec. 5145.20. (A) The director of rehabilitation and correction shall issue, not later than two years after the opening of the northwest Ohio close security prison, a preliminary report, and shall issue, not later than five years after the opening of the prison, a final report, that evaluates the pilot program described in division (B) of section 5145.19 of the Revised Code. The director shall forward a copy of the preliminary and final reports to the Governor, speaker of the house of representatives, president of the senate, and correctional institution inspection committee.

The committee shall conduct a hearing on each report that it receives. It shall invite to each hearing on a report the person who was the primary sponsor of the act, or of the amendment to the act, passed by the general assembly that enacted this section, and the primary sponsor may comment on the report.

(B) The preliminary and final reports shall describe the efforts of the department to implement the pilot program; evaluate those efforts; identify any benefits resulting from the pilot program on prison operations; identify any financial benefits accruing to the department from the pilot program; evaluate the impact of the pilot program on the community near the prison; and recommend any necessary changes in the pilot program. The department shall determine the financial benefits accruing to the department from the pilot program, among other things, by conducting an audit of purchases made under division (B) of section 5145.19 of the Revised Code to determine the amount of savings realized through those purchases. The preliminary and final reports also shall determine whether any of those financial benefits could be duplicated if the pilot program were extended to some or all other state correctional institutions.

Sec. 5145.30. (A) As used in this section:

(1) "Free weight exercise equipment" means any equipment or device that is designed to increase the muscle mass and physical strength of the person using it. "Free weight exercise equipment" includes, but is not limited to, barbells, dumbbells, weight plates, and similar free weight-type equipment and other devices that the department of rehabilitation and correction, in rules adopted under section 5120.423 of the Revised Code, designates as enabling a person to increase muscle mass and physical strength.

(2) "Fixed weight exercise equipment" means any equipment, machine, or device that is not designed primarily to increase muscle mass and

physical strength but rather to keep a person in relatively good physical condition. "Fixed weight exercise equipment" includes, but is not limited to, weight machines that utilize weight plates, tension bands, or similar devices that provide weight training resistance like universal and nautilus equipment. "Fixed weight exercise equipment" includes machines that are usually assembled as a unit, are not readily dismantled, and have been specifically modified for prison use so as to make them secure and immobile.

(B)(1) No officer or employee of a correctional institution under the control or supervision of the department of rehabilitation and correction shall do any of the following:

~~(1)~~(a) Provide a prisoner access to free weight exercise equipment;

~~(2)~~(b) Provide a prisoner access to fixed weight exercise equipment unless the prisoner is incarcerated in a minimum or medium security facility. Such a prisoner shall be allowed access to such equipment for no more than three hours per week. The prisoner shall be supervised at all times access is permitted, and a list documenting names of prisoners and supervising personnel, dates, and times of usage shall be maintained at each facility.

~~(3)~~(c) Allow a prisoner to provide or receive instruction in boxing, wrestling, karate, judo, or another form of martial arts, or any other program that the department, in rules adopted under section 5120.423 of the Revised Code, designates as enabling a person to improve fighting skills.

~~(C)~~(2) Nothing in division (B)(1) of this section prohibits an officer or employee of a correctional institution under the control or supervision of the department from allowing a prisoner to participate in jogging, basketball, stationary exercise bicycling, supervised calisthenics, or other physical activities that are not designed to increase muscle mass and physical strength or improve fighting skills.

(C) All of the following apply regarding each correctional institution under the control or supervision of the department of rehabilitation and correction that houses any prisoners:

(1) The department shall provide clothing for all prisoners who are housed in the institution that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as a prisoner, and that is readily distinguishable from clothing of a nature that normally is worn outside the institution by non-prisoners, shall require all prisoners housed in the institution to wear the clothing so provided, and shall not permit any prisoner, while inside or on the premises of the institution or while being transported to or from the institution, to wear any clothing of a nature that

does not conspicuously identify its wearer as a prisoner and that normally is worn outside the institution by non-prisoners.

(2) The security classification schedule the department uses for prisoners housed in the institution shall require the consideration of all information relevant to the classification, including, but not limited to, all pending criminal charges against the prisoner being classified, the offense for which the prisoner will be confined in the institution, and all prior convictions of or pleas of guilty by the prisoner.

Sec. 5502.21. As used in sections 5502.21 to 5502.51 of the Revised Code:

(A) "Agency" means any administrative or operational division, including an office, department, bureau, board, commission, or authority, of the state or of a political subdivision thereof, including volunteer agencies, organizations, or departments.

(B) "Attack" means any attack, either actual or imminent, or a series of attacks by an actual or potential enemy of the United States or by a foreign nation upon the United States that causes or may cause substantial damage to or destruction of life, property, or the environment within the United States or that is designed to injure the military or economic strength of the United States. "Attack" includes, without limitation, acts of sabotage, acts of terrorism, invasion, the use of bombs or shellfire, conventional, nuclear, chemical, or biological warfare, and the use of other weapons or processes.

(C) "Chief executive" means the president of the United States, the governor of this state, the board of county commissioners of any ~~nonchartered~~ county, ~~the executive authority of any county established under Section 3 of Article X, Ohio Constitution, or Chapter 302. of the Revised Code,~~ the board of township trustees of any township, or the mayor or city manager of any municipal corporation within this state.

(D) "Civil defense" is an integral part of emergency management that includes all those activities and measures designed or undertaken to minimize the effects upon the civilian population caused or ~~which~~ that would be caused by any hazard and to effect emergency repairs to, or the emergency restoration of, vital equipment, resources, supplies, utilities, and facilities necessary for survival and for the public health, safety, and welfare that would be damaged or destroyed by any hazard. "Civil defense" includes, but is not limited to:

(1) Those measures to be taken during a hazard, including all of the following:

(a) The enforcement of those passive defense regulations necessary for the protection of the civilian population and prescribed by duly established

military or civil authorities;

(b) The evacuation of personnel to shelter areas;

(c) The control of traffic and panic situations;

(d) The control and use of emergency communications, lighting, and warning equipment and systems.

(2) Those measures to be taken after a hazard has occurred, including all of the following:

(a) Activities necessary for ~~fire fighting~~ firefighting, rescue, emergency, medical, health, and sanitation services;

(b) Monitoring for secondary hazards that could be caused from the initiating event;

(c) Damage assessment and disaster analysis operations;

(d) Coordination of disaster assistance programs;

(e) Monitoring for effects from weapons;

(f) Unexploded bomb reconnaissance;

(g) Essential debris clearance;

(h) Decontamination operations;

(i) Documentation of operations and financial expenses;

(j) Resource control;

(k) Any other activities that may be necessary for survival and the overall health, safety, and welfare of the civilian population.

(E) "Disaster" means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural phenomenon or act of ~~man~~ a human.

(F) "Emergency" means any period during which the congress of the United States or a chief executive has declared or proclaimed that an emergency exists.

(G) "Emergency management" includes all emergency preparedness and civil defense activities and measures, whether or not mentioned or described in sections 5502.21 to 5502.51 of the Revised Code, that are designed or undertaken to minimize the effects upon the civilian population caused or that could be caused by any hazard and that are necessary to address mitigation, emergency preparedness, response, and recovery.

(H) "Emergency preparedness" is an integral part of emergency management that includes those activities and measures designed or undertaken in preparation for any hazard, including, but not limited to, natural disasters and hazards involving hazardous materials or radiological materials, and that will enhance the probability for preservation of life, property, and the environment. "Emergency preparedness" includes, without

limitation:

(1) The establishment of appropriate agencies and organizations;

(2) The development of necessary plans and standard operating procedures for mitigation, preparation, response, and recovery purposes, including, without limitation, the development of supporting agreements and memorandums of understanding;

(3) Hazard identification;

(4) Capability assessment;

(5) The recruitment, retention, and training of personnel;

(6) The development, printing, and distribution of emergency public information, education, and training materials and programs;

(7) The necessary conduct of research;

(8) The development of resource inventories;

(9) The procurement and stockpiling of equipment, food, water, medical supplies, and any other supplies necessary for survival and for the public health, safety, and welfare;

(10) The development and construction of public shelter facilities and shelter spaces;

(11) The development and construction of emergency operations centers for the conduct and support of coordination, direction, and control activities;

(12) When appropriate and considered necessary, the nonmilitary evacuation or temporary relocation of the civilian population.

(I) "Hazard" means any actual or imminent threat to the survival or overall health, safety, or welfare of the civilian population that is caused by any natural, ~~man-made~~ human-made, or technological event. "Hazard" includes, without limitation, an attack, disaster, and emergency.

(J) "Hazard identification" means an identification, historical analysis, inventory, or spatial distribution of risks that could affect a specific geographical area and that would cause a threat to the survival, health, safety, or welfare of the civilian population, the property of that population, or the environment.

(K) "Law" includes a general or special statute, law, local law, ordinance, resolution, rule, order, or rule of common law.

(L) "Mitigation" means all those activities that reduce or eliminate the probability of a hazard. "Mitigation" also includes long-term activities and measures designed to reduce the effects of unavoidable hazards.

(M) "Political subdivision" means a county, township, or municipal corporation in this state.

(N) "Recovery" includes all those activities required and necessary to return an area to its former condition to the extent possible following the

ccurrence of any hazard.

(O) "Response" includes all those activities that occur subsequent to any hazard and that provide emergency assistance from the effects of any such hazard, reduce the probability of further injury, damage, or destruction, and are designed or undertaken to speed recovery operations.

(P) "Structure" includes shelters, additions to or alterations of existing buildings, and portions of existing buildings dedicated to public use, made and designed exclusively for protection against the shock or other effects of nuclear, biological, or chemical warfare, special housing for equipment, and all other structural means of protection of individuals and property against any hazard.

(Q) "Equipment" includes fire-fighting, first-aid, emergency medical, hospital, salvage, and rescue equipment and materials, equipment for evacuation or relocation of individuals, radiological monitoring equipment, hazardous materials response gear, communications equipment, warning equipment, and all other means, in the nature of personal property, to be used exclusively in the protection of individuals and property against the effects of any hazard.

(R) "Certifying authority" means the ~~deputy~~ executive director of the emergency management agency provided for by section 5502.22 of the Revised Code.

(S) "Civil defense certificate" means a civil defense certificate of necessity issued pursuant to section 5502.42 of the Revised Code.

Sec. 5502.22. (A) There is hereby established within the department of public safety an emergency management agency, which shall be governed under rules adopted by the director of public safety under section 5502.25 of the Revised Code. The director, with the concurrence of the governor, shall appoint ~~a deputy~~ an executive director, who shall be head of the emergency management agency. The ~~deputy~~ executive director may appoint a chief executive assistant, executive assistants, and administrative and technical personnel within that agency as may be necessary to plan, organize, and maintain emergency management adequate to the needs of the state. The ~~deputy~~ executive director shall coordinate all activities of all agencies for emergency management within the state, shall maintain liaison with similar agencies of other states and of the federal government, shall cooperate with those agencies subject to the approval of the governor, and shall develop a statewide emergency operations plan that shall meet any applicable federal requirements for such plans. The ~~deputy~~ executive director shall have such additional authority, duties, and responsibilities as are prescribed by the governor and the director or provided by law in all matters relating to

emergency management that may be reflected in other sections of the Revised Code. The ~~deputy~~ executive director shall advise the governor and director on matters pertaining to emergency management on a regular basis.

Whenever the disaster services agency or director is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the emergency management agency or ~~deputy~~ executive director, as the case may be.

(B) For the purposes of emergency management, the ~~deputy~~ executive director, with the approval of the director, may participate in federal programs, accept grants from, and enter into cooperative agreements or contractual arrangements with any federal, state, or local department, agency, or subdivision thereof, or any other person or body politic. Whenever the duties of the emergency management agency overlap with rights or duties of other federal, state, or local departments, agencies, subdivisions, or officials, or private agencies, the ~~deputy~~ executive director shall cooperate with, and not infringe upon the rights and duties of, the other public or private entities.

Funds made available by the United States for the use of the emergency management agency shall be expended by that agency only for the purposes for which the funds were appropriated. In accepting federal funds, the emergency management agency shall abide by the terms and conditions of the grant, cooperative agreement, or contractual arrangement and shall expend the funds in accordance with the laws and regulations of the United States.

Sec. 5502.25. The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt, may amend or rescind, and shall enforce~~,~~ rules with respect to the emergency management of the state for the purpose of providing protection for its people against any hazard. The rules shall be made available for public inspection at the emergency operations center/joint dispatch facility and at such other places and during such reasonable hours as fixed by the ~~deputy~~ executive director of emergency management.

Sec. 5502.28. In carrying out sections 5502.21 to 5502.51 of the Revised Code, the governor shall utilize the services, equipment, supplies, and facilities of existing agencies of the state and of ~~the~~ political subdivisions ~~thereof~~ to the maximum extent practicable, and the officers and personnel of all such agencies shall cooperate with and extend such services, equipment, supplies, and facilities to the governor and to the ~~deputy~~ executive director of the emergency management agency upon request.

Every agency for emergency management established pursuant to

sections 5502.21 to 5502.51 of the Revised Code and every political subdivision that has established a program for emergency management under section 5502.271 of the Revised Code, and the officers thereof, shall execute and enforce any emergency management orders and rules issued or adopted by the director of public safety.

Sec. 5502.34. No person shall be employed or associated in any capacity in any position or agency established under sections 5502.21 to 5502.51 of the Revised Code who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state or who has been convicted of or is under indictment or information charging any subversive act against the United States or this state. Each person who is appointed to serve in any position in emergency management or in an agency for emergency management, before entering upon ~~his~~ the person's duties, shall register, in writing, ~~his~~ the person's name, address, and any other necessary information pertaining to ~~his~~ the person's qualifications and choice of type of service and shall take an oath before the ~~deputy~~ executive director of the emergency management agency or local emergency management director or deputy director, or any other person authorized to administer oaths in this state, which oath shall be as follows:

"I, ..., do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Ohio, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the governor of the state of Ohio; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am engaged in emergency management employment or activities, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the ~~Unites~~ United States or of this state by force or violence."

Sec. 5515.01. The director of transportation may upon formal application being made to the director, grant a permit to any individual, firm, or corporation to use or occupy such portion of a road or highway on the state highway system as will not incommode the traveling public. Such permits, when granted, shall be upon the following conditions:

(A) The occupancy of such roads or highways shall be in the location as prescribed by the director.

(B) Such location shall be changed as prescribed by the director when the director deems such change necessary for the convenience of the traveling public, or in connection with or contemplation of the construction, reconstruction, improvement, relocating, maintenance, or repair of such road or highway.

(C) The placing of objects or things shall be at a grade and in accordance with such plans, specifications, or both, as shall be first approved by the director.

(D) The road or highway in all respects shall be fully restored to its former condition of usefulness and at the expense of such individual, firm, or corporation.

(E) Such individual, firm, or corporation shall maintain all objects and things in a proper manner, promptly repair all damages resulting to such road or highway on account thereof, and in event of failure to so repair such road or highway to pay to the state all costs and expenses which may be expended by the director in repairing any damage.

(F) Such other conditions as may seem reasonable to the director, but no condition shall be prescribed which imposes the payment of a money consideration for the privilege granted. Nothing in this division prohibits the director from requiring payment of money consideration for a lease, easement, license, or other interest in a transportation facility under control of the department of transportation.

(G) Permits may be revoked by the director at any time for a noncompliance with the conditions imposed.

(H) As a condition precedent to the issuance of a permit to a telecommunications service provider, the director shall require the applicant to provide proof it is party to a lease, easement, or license for the construction, placement, or operation of a telecommunications facility in or on a transportation facility.

Except as otherwise provided in this section and section 5501.311 of the Revised Code, Chapters 5501., 5503., 5511.,~~,~~ 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code do not prohibit telegraph, telephone, and electric light and power companies from constructing, maintaining, and using telegraph, telephone, or electric light and power lines along and upon such roads or highways under sections ~~4931.01, 4931.03,~~ 4931.19, 4933.14, or other sections of the Revised Code, or to affect existing rights of any such companies, or to require such companies to obtain a permit from the director, except with respect to the location of poles, wires, conduits, and other equipment comprising lines on or beneath the surface of such road or

highways.

This section does not prohibit steam or electric railroad companies from constructing tracks across such roads or highways, nor authorize the director to grant permission to any company owning, operating, controlling, or managing a steam railroad or interurban railway in this state to build a new line of railroad, or to change or alter the location of existing tracks across any road or highway on the state highway system at grade. No such company shall change the elevation of any of its tracks across such road or highway except in accordance with plans and specifications first approved by the director.

This section does not relieve any individual, firm, or corporation from the obligation of satisfying any claim or demand of an owner of lands abutting on such road or highway on the state highway system on account of placing in such road or highway a burden in addition to public travel.

Sec. 5528.36. In the event the moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code are insufficient, either in amount or by reason of restrictions provided for in the second paragraph of section 5528.31 of the Revised Code on the use thereof to the payment only of the principal of specified issues of notes or of bonds, to meet in full all payments of interest, principal, and charges for the retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, except the principal of notes ~~which~~ that the commissioners of the sinking fund certify will be retired by the issuance of bonds or renewal notes but including deposits required by the second paragraph of section 5528.31 of the Revised Code, the commissioners of the sinking fund may on or before the fifteenth day of January of any such year or any time or times during such calendar year, but shall in any event within ten days prior to the time any such payments are due or prior to the date the payments required by the second paragraph of section 5528.31 of the Revised Code become due, certify to the treasurer of state the total amount of such payments of principal, interest, or charges, the amount of moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code, the amount thereof the use of which is restricted by the second paragraph of section 5528.31 of the Revised Code to the payment only of the principal of specified issues of notes or of bonds, and the specified issue or issues of notes or such bonds with respect to which such amount is so restricted, and the amount of additional money necessary to be credited to such bond retirement fund to meet in full the payment of such interest, principal, or charges when due and

the amount required to make the payments required by the second paragraph of section 5528.31 of the Revised Code.

Upon the receipt of such certification, or if on presentation for payment when due of either principal or interest on obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, there are insufficient moneys for payment of such principal and interest, the treasurer of state ~~shall~~, after making any transfer of moneys to the highway improvement bond retirement fund created by section 5528.12 of the Revised Code for the payment of interest, principal, and charges due and payable for the retirement of bonds issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code as required by section 5528.16 of the Revised Code, shall transfer the amount required as the additional moneys necessary to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code or the amount required to make the payments required by the second paragraph of section 5528.31 of the Revised Code to the highway obligations bond retirement fund created by section 5528.32 of the Revised Code from the undistributed revenues derived from fees, excise, or license taxes, levied by the state, relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles.

If, after the transfer of undistributed revenues to the highway obligations bond retirement fund in accordance with the foregoing paragraph of this section, there be insufficient moneys for the payment of such principal and interest or to make the payments required by the second paragraph of section 5528.31 of the Revised Code as certified to the treasurer of state, the treasurer of state ~~shall~~, after making whatever transfers are required by divisions (C)(1), (2), and (3) of section 129.73 of the Revised Code, shall transfer a sufficient amount to the highway obligations bond retirement fund from the undistributed revenues derived from all excises and taxes of the state, except ad valorem taxes on real and personal property and income taxes, which excises and taxes, other than those excepted, are and shall be deemed to be levied, in addition to the purposes otherwise provided for by law, to provide in accordance with the provisions of this section for the payment of interest, principal, and charges on highway obligations, including bonds and notes, issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, provided that the treasurer shall draw from the undistributed revenues derived from the taxes levied by sections 3769.08, 4301.42, 4301.43,

4305.01, 5725.18, 5727.24, 5727.38, 5729.03, 5731.02, 5731.18, 5731.19, 5733.06, 5739.02, 5741.02, 5743.02, and 5743.32 of the Revised Code in proportion to the amount of undistributed revenues from each such tax remaining after the transfer to the improvements bond retirement fund created by Section 2f of Article VIII, Ohio Constitution, the development bond retirement fund created by Section 2h of Article VIII, Ohio Constitution, and the public improvements bond retirement fund created by section 129.72 of the Revised Code, of such amount of those revenues as may be required by sections 129.55, 129.63, and 129.73 of the Revised Code to be so transferred; provided, however, that the commissioners of the sinking fund ~~may~~, in any resolution authorizing the issuance of such highway obligations, may provide for the reservation of the right to have the undistributed revenues referred to in this paragraph applied first to such bonds or other obligations as may thereafter be issued and in priority to application thereof to the payment of the principal and interest on such highway obligations, but such reservation shall not in any way qualify the obligation of the state, which shall be absolute and unconditional, to levy and collect at all times sufficient excises and taxes, other than those excepted in Section 2i of Article VIII, Ohio Constitution, as will produce adequate revenues available for the payment of the principal and interest of such highway obligations.

Sec. 5703.05. All powers, duties, and functions of the department of taxation are vested in and shall be performed by the tax commissioner, which powers, duties, and functions shall include, but shall not be limited to, the following:

(A) Prescribing all blank forms which the department is authorized to prescribe, and to provide such forms and distribute the same as required by law and the rules of the department. The tax commissioner shall include a mail-in registration form prescribed in section 3503.14 of the Revised Code within the return and instructions for the tax levied in odd-numbered years under section 5747.02 of the Revised Code, beginning with the tax levied for ~~the first odd-numbered year after the effective date of this amendment~~ 1995 The secretary of state shall bear all costs for the inclusion of the mail-in registration form. That form shall be addressed for return to the office of the secretary of state.

(B) Exercising the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes or assessments, including penalties and interest thereon, illegally or erroneously assessed or collected, or for any other reason overpaid, and in addition, the commissioner may on written application of any person, firm, or corporation

claiming to have overpaid to the treasurer of state at any time within five years prior to the making of such application any tax payable under any law which the department of taxation is required to administer which does not contain any provision for refund, or on ~~his~~ the commissioner's own motion investigate the facts and make in triplicate a written statement of ~~his~~ the commissioner's findings, and, if ~~he~~ the commissioner finds that there has been an overpayment, issue in triplicate a certificate of abatement payable to the taxpayer, ~~his~~ the taxpayer's assigns, or legal representative which shows the amount of the overpayment and the kind of tax overpaid. One copy of such statement shall be entered on the journal of the commissioner, one shall be certified to the attorney general, and one certified copy shall be delivered to the taxpayer. All copies of the certificate of abatement shall be transmitted to the attorney general, and if ~~he~~ the attorney general finds it to be correct ~~he~~ the attorney general shall so certify on each copy, and deliver one copy to the taxpayer, one copy to the commissioner, and the third copy to the treasurer of state. Except as provided in sections 5725.08 and 5725.16 of the Revised Code the taxpayer's copy of any certificates of abatement may be tendered by the payee or transferee thereof to the treasurer of state as payment, to the extent of the amount thereof, of any tax payable to the treasurer of state.

(C) Exercising the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(D) Exercising the authority provided by law relative to the use of alternative tax bases by taxpayers in the making of personal property tax returns;

(E) Exercising the authority provided by law relative to authorizing the prepayment of taxes on retail sales of tangible personal property or on the storage, use, or consumption of personal property, and waiving the collection of such taxes from the consumers;

(F) Exercising the authority provided by law to revoke licenses;

(G) Maintaining a continuous study of the practical operation of all taxation and revenue laws of the state, the manner in which and extent to which such laws provide revenues for the support of the state and its political subdivisions, the probable effect upon such revenue of possible changes in existing laws, and the possible enactment of measures providing for other forms of taxation. For this purpose the commissioner may establish and maintain a division of research and statistics, and may appoint necessary employees who shall be in the unclassified civil service; the results of such study shall be available to the members of the general assembly and the public.

(H) Making all tax assessments, valuations, findings, determinations, computations, and orders the department of taxation is by law authorized and required to make and, pursuant to time limitations provided by law, on ~~his~~ the commissioner's own motion, reviewing, redetermining, or correcting any tax assessments, valuations, findings, determinations, computations, or orders ~~he~~ the commissioner has made, but ~~he~~ the commissioner shall not review, redetermine, or correct any tax assessment, valuation, finding, determination, computation, or order which ~~he~~ the commissioner has made as to which an appeal or application for rehearing, review, redetermination, or correction has been filed with the board of tax appeals, unless such appeal or application is withdrawn by the appellant or applicant or dismissed;

(I) Appointing not more than five deputy tax commissioners, who, under such regulations as the rules of the department of taxation prescribe, may act for the commissioner in the performance of such duties as ~~he~~ the commissioner prescribes in the administration of the laws which ~~he~~ the commissioner is authorized and required to administer, and who shall serve in the unclassified civil service at the pleasure of the commissioner, but if a person who holds a position in the classified service is appointed, it shall not affect the civil service status of such person;

(J) Appointing and prescribing the duties of all other employees of the department of taxation necessary in the performance of the work of the department which the tax commissioner is by law authorized and required to perform, and creating such divisions or sections of employees as, in ~~his~~ the commissioner's judgment, is proper;

(K) Organizing the work of the department, which ~~he~~ the commissioner is by law authorized and required to perform, so that, in ~~his~~ the commissioner's judgment, an efficient and economical administration of the laws will result;

(L) Maintaining a journal, which is open to public inspection, in which ~~he~~ the commissioner shall keep a record of all actions taken by ~~him~~ the commissioner relating to assessments and the reasons therefor;

(M) Adopting and promulgating, in the manner provided by section 5703.14 of the Revised Code, all rules of the department, including rules for the administration of sections 3517.16, 3517.17, and 5747.081 of the Revised Code;

(N) Destroying any or all returns or assessment certificates in the manner authorized by law;

(O) Adopting rules, in accordance with division (B) of section 325.31 of the Revised Code, governing the expenditure of moneys from the real estate assessment fund under that division.

Sec. 5703.052. There is hereby created in the state treasury the tax refund fund, from which refunds shall be paid for taxes illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by Chapter 4301., 4305., 5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 5749., or 5753., and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, and 5727.38 and former sections 5727.27 and 5727.40 of the Revised Code. Refunds for fees illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by sections 3734.90 to 3734.9014 of the Revised Code also shall be paid from the fund. However, refunds for taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section 5739.104 of the Revised Code.

Upon certification by the tax commissioner to the treasurer of state of a tax refund, fee refund, or tax credit due, or by the superintendent of insurance of a domestic or foreign insurance tax refund, the treasurer of state may place the amount certified to the credit of the fund. The certified amount transferred shall be derived from current receipts of the same tax or the fee for which the refund arose or, in the case of a tax credit refund, from the current receipts of the taxes levied by sections 5739.02 and 5741.02 of the Revised Code.

If the tax refund arises from a tax payable to the general revenue fund, and current receipts from that source are inadequate to make the transfer of the amount so certified, the treasurer of state may transfer such certified amount from current receipts of the sales tax levied by section 5739.02 of the Revised Code.

Sec. 5703.053. As used in this section, "postal service" means the United States postal service.

An application to the tax commissioner for a tax refund under sections 4307.05, 4307.07, 5727.28, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5739.07, 5741.10, 5743.05, 5743.53, 5749.08, and 5753.06 of the Revised Code or division (B) of section 5703.05 of the Revised Code, or a fee refunded under section 3734.905 of the Revised Code, that is received after the last day for filing under such section shall be considered to have been filed in a timely manner if:

(A) The application is delivered by the postal service and the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for filing the application;

(B) The application is delivered by the postal service, the only postmark on the cover in which the application is enclosed was affixed by a private

postal meter, the date of that postmark is not later than the last day for filing the application, and the application is received within seven days of such last day; or

(C) The application is delivered by the postal service, no postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application.

Sec. 5703.21. (A) Except as provided in divisions (B), (C), (D), (E), and (F) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to ~~such~~ that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division ~~(G)~~(A)(7) or ~~(I)~~(9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that ~~such~~ the access and examination are necessary for purposes of the audit. Any information acquired as the result of ~~such~~ that access and examination shall not be divulged for any purpose other than as required for ~~such~~ the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information which the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state solely for purposes of an audit of the department.

(C) Division (A) of this section does not prohibit divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code~~,~~ or in applications filed with the department under section 5715.39 of the Revised Code.

(D) Division (A) of this section does not prohibit the department of taxation providing information to the division of child support within the department of human services, or a child support enforcement agency, pursuant to division (G)(2) of section 5101.31 of the Revised Code.

(E) Division (A) of this section does not prohibit the disclosure to the board of motor vehicle collision repair registration of any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code.

(F) Division (A) of this section does not prohibit the department from providing information to the administrator of workers' compensation pursuant to section 4123.591 of the Revised Code.

Sec. 5709.62. (A) In any municipal corporation that is defined by the United States office of management and budget as a central city of a metropolitan statistical area, the legislative authority of the municipal corporation may designate one or more areas within its municipal corporation as proposed enterprise zones. Upon designating an area, the legislative authority shall petition the director of development for certification of the area as having the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (E) of this section, on and after July 1, 1994, legislative authorities shall not enter into agreements under this section unless the legislative authority has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code, and shall forward the findings to the legislative authority of the municipal corporation. If the director certifies the area as having those characteristics, and thereby certifies it as a zone, the legislative authority may enter into an agreement with an enterprise under division (C) of this section.

(B) Any enterprise that wishes to enter into an agreement with a municipal corporation under division (C) of this section shall submit a proposal to the legislative authority of the municipal corporation on a form prescribed by the director of development, together with the application fee established under section 5709.68 of the Revised Code. The form shall

require the following information:

(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, on or before June 30, ~~1999~~ 2004, may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of the assessed value of tangible personal property first used in business at the project site as a result of the agreement. An exemption granted pursuant to this division applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except that, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory which is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(b) Exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the legislative authority;

(c) Provision for a specified number of years, not to exceed ten, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.

(2) An agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the purposes of property taxation to establish, expand, renovate, or occupy the remediated facility, and to hire new employees or preserve employment opportunities for existing employees at the remediated facility, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed ten, of a specified portion, not to exceed fifty per cent, of the assessed valuation of the real property of the facility prior to remediation;

(b) Exemption for a specified number of years, not to exceed ten, of a specified portion, not to exceed one hundred per cent, of the increase in the assessed valuation of the real property of the facility during or after remediation;

(c) The incentive under division (C)(1)(a) of this section, except that the percentage of the assessed value of such property exempted from taxation shall not exceed one hundred per cent;

(d) The incentive under division (C)(1)(c) of this section.

(3) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed ten, of a specified portion, up to one hundred per cent, of the assessed value of tangible personal property used in business at the project site as a result of the agreement, or of the assessed valuation of real property constituting the project site, or both.

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed sixty per cent, or if the board of education of the city, local, or exempted village school district

within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent. For the purpose of obtaining such approval, the legislative authority shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The legislative authority may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's approval of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such approval as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(2) The legislative authority shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(E) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before June 30, ~~1999~~ 2004, the legislative authority that

designated a zone to which this division applies may enter into an agreement with an enterprise if the legislative authority makes the finding required under that division and determines that the enterprise satisfies one of the criteria described in divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this division, if the legislative authority revokes its designation of a zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 5709.68 of the

Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee charged against an enterprise, but such a waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code.

(H) When an agreement is entered into pursuant to this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

Sec. 5709.63. (A) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed enterprise zones. A board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed

enterprise zone. The board shall petition the director of development for certification of the area as having the characteristics set forth in division (A)(1) or (2) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code. Any enterprise wishing to enter into an agreement with the board under division (B) or (D) of this section shall submit a proposal to the board on the form and accompanied by the application fee prescribed under division (B) of section 5709.62 of the Revised Code. The enterprise shall review and update the estimates and listings required by the form in the manner required under that division. The board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an enterprise submitting a proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, the board, on or before June 30, ~~1999~~ 2004, and with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees may do either of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(a) When the facility is located in a municipal corporation, the board may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may

enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed ten, of a specified portion, up to sixty per cent, of the assessed value of tangible personal property first used in business at a project site as a result of the agreement. An exemption granted pursuant to this division applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory which is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(ii) Exemption for a specified number of years, not to exceed ten, of a specified portion, up to sixty per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed ten, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed ten, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both.

(C)(1) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent. For the purpose of obtaining such approval, the board of commissioners shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the

Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the board of commissioners not later than fourteen days prior to the date stipulated by the board of commissioners as the date upon which approval of the agreement is to be formally considered by the board of commissioners. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The board of county commissioners may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the board of county commissioners, or, if the board of education approves the agreement conditionally, at any time after the conditions are agreed to by the board of education and the board of county commissioners.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(2) The board of county commissioners shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(D) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before June 30, ~~1999~~ 2004, and with the consent of the legislative authority of each affected municipal corporation or board of township trustees of each affected township, the board of commissioners that

designated a zone to which this division applies may enter into an agreement with an enterprise if the board makes the finding required under that division and determines that the enterprise satisfies one of the criteria described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (B) of this section.

(E) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the board of county commissioners revokes its designation of the zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(F) Except as otherwise provided in this paragraph, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the board and shall be used by the board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the

tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(G) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(H) When an agreement is entered into pursuant to this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

Sec. 5709.632. (A)(1) The legislative authority of a municipal corporation defined by the United States office of ~~budget~~ management and

~~management~~ budget as a central city of a metropolitan statistical area may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone.

(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone.

(3) The legislative authority or board of county commissioners may petition the director of development for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of county commissioners. If the director certifies the area as having those characteristics and thereby certifies it as a zone, the legislative authority or board may enter into agreements with enterprises under division (B) of this section. Any enterprise wishing to enter into an agreement with a legislative authority or board of commissioners under this section and satisfying one of the criteria described in divisions (B)(1) to (5) of this section shall submit a proposal to the legislative authority or board on the form prescribed under division (B) of section 5709.62 of the Revised Code and shall review and update the estimates and listings required by the form in the manner required under that division. The legislative authority or board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) Prior to entering into an agreement with an enterprise, the legislative authority or board of county commissioners shall determine whether the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, and whether the enterprise satisfies one of the following criteria:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and on or before June 30, ~~1999~~ 2004, and, in the case of a board of commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees~~:~~

~~(1) Enter~~, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

~~(a)~~(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

~~(b)~~(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b), (B)(2), and (B)(3) of section 5709.63 of the Revised Code, subject to division (C) of that section.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the

agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority or board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority or board and shall be used by the legislative authority or board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority or board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the legislative authority or board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(F) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax

commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(I) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

Sec. 5709.70. Beginning with fiscal year 2002, in every biennium in which sections 5709.61 to 5709.69 of the Revised Code, pertaining to enterprise zones, remain in effect, the director of development shall certify to the General Assembly that the director is making an effort to reform the enterprise zone program. The director shall also appear in each such biennium before a joint hearing of the house of representatives committee on finance and appropriations and the senate finance committee to discuss the efforts of the director to reform the program. The chairpersons of the two committees shall arrange for such a hearing whenever the director notifies them that the director is available to make the appearance.

Sec. 5709.83. (A) Except as otherwise provided in division (B) of this section, prior to taking formal action to adopt or enter into any instrument granting a tax exemption under section 725.02, 1728.06, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code or formally approving an agreement under section 3735.671 of the Revised Code, or prior to forwarding an application for a tax exemption for residential property under section 3735.67 of the Revised Code to the county auditor, the legislative authority of the political subdivision or housing officer shall notify the board of education of each city, local, exempted village, or joint vocational school district in which the proposed tax-exempted property is located. The notice shall include a copy of the instrument or application. The notice shall be delivered not later than fourteen days prior to the day the legislative authority takes formal action to adopt or enter into the instrument, or not later than fourteen days prior to the day the housing officer forwards the application to the county auditor. If the board of education comments on the instrument or application to the legislative authority or housing officer, the legislative authority or housing officer shall consider the comments. If the board of education of the city, local, or exempted village school district so requests, the legislative authority or the housing officer shall meet in person with a representative designated by the board of education to discuss the terms of the instrument

or application.

(B) The notice otherwise required to be provided to boards of education under division (A) of this section is not required if the board has adopted a resolution waiving its right to receive such notices, and that resolution remains in effect. If a board of education adopts such a resolution, the board shall cause a copy of the resolution to be certified to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority. A board of education may adopt such a resolution with respect to any one or more counties, townships, or municipal corporations situated in whole or in part within the school district.

Sec. 5711.16. ~~A~~ (A) As used in this section, "manufacturer" means a person who purchases, receives, or holds personal property for the purpose of adding to its value by manufacturing, refining, rectifying, or combining different materials with a view of making a gain or profit by so doing ~~is a manufacturer When such person~~

When a manufacturer is required to return a statement of the amount of ~~his~~ the manufacturer's personal property used in business, ~~he~~ the manufacturer shall include the average value, estimated as provided in this section, of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in manufacturing, combining, rectifying, or refining, and of all articles ~~which~~ that were at any time ~~by him~~ manufactured or changed in any way by the manufacturer, either by combining, rectifying, refining, or adding thereto, ~~which he~~ that the manufacturer has had on hand during the year ending on the day ~~such~~ the property is listed for taxation annually, or the part of such year during which ~~he~~ the manufacturer was engaged in business. ~~He~~ The manufacturer shall separately list finished products not kept or stored at the place of manufacture or at a warehouse in the same county.

The average value of such property shall be ascertained by taking the value of all property subject to be listed on the average basis, owned by ~~such~~ the manufacturer on the last business day of each month the manufacturer was engaged in business during the year, adding the monthly values together, and dividing the result by the number of months the manufacturer was engaged in such business during the year. The result shall be the average value to be listed. ~~A~~

(B) A manufacturer ~~shall~~ also shall list all engines and machinery, and tools and implements, of every kind used, or designed to be used, in refining and manufacturing, and owned or used by ~~such~~ the manufacturer.

Sec. 5711.22. (A) Deposits not taxed at the source shall be listed and

assessed at their amount in dollars on the day they are required to be listed. Moneys shall be listed and assessed at the amount thereof in dollars on hand on the day that they are required to be listed. In listing investments, the amount of the income yield of each for the calendar year next preceding the date of listing shall, except as otherwise provided in this chapter, be stated in dollars and cents and the assessment thereof shall be at the amount of such income yield; but any property defined as investments in either division (A) or (B) of section 5701.06 of the Revised Code that has not been outstanding for the full calendar year next preceding the date of listing, except shares of stock of like kind as other shares of the same corporation outstanding for the full calendar year next preceding the date of listing, or which has yielded no income during such calendar year shall be listed and assessed as unproductive investments, at their true value in money on the day that such investments are required to be listed.

Credits and other taxable intangibles shall be listed and assessed at their true value in money on the day as of which the same are required to be listed.

Shares of stock of a bank holding company, as defined in Title 12 U.S.C.A., section 1841, ~~which~~ that are required to be listed for taxation under this division and upon which dividends were paid during the year of their issuance, which dividends are subject to taxation under the provisions of Chapter 5747. of the Revised Code, shall be exempt from the intangibles tax for the year immediately succeeding their issuance. If such shares bear dividends the first calendar year after their issuance, which dividends are subject to taxation under the provisions of Chapter 5747. of the Revised Code, it shall be deemed that the nondelinquent intangible property tax pursuant to division (A) of section 5707.04 of the Revised Code was paid on those dividends paid that first calendar year after the issuance of the shares.

(B)(1) Boilers, machinery, equipment, and personal property the true value of which is determined under division (B) of section 5711.21 of the Revised Code shall be listed and assessed at an amount equal to the sum of the products determined under divisions (B)(1)(a), (b), and (c) of this section.

(a) Multiply the portion of the true value determined under division (B)(1) of section 5711.21 of the Revised Code by the assessment rate in division ~~(E)~~(F) of this section;

(b) Multiply the portion of the true value determined under division (B)(2) of section 5711.21 of the Revised Code by the assessment rate in section 5727.111 of the Revised Code that is applicable to the production equipment of an electric company;

(c) Multiply the portion of the true value determined under division (B)(3) of section 5711.21 of the Revised Code by the assessment rate in section 5727.111 of the Revised Code that is applicable to the property of an electric company that is not production equipment.

(2) Personal property leased to a public utility or interexchange telecommunications company as defined in section 5727.01 of the Revised Code and used directly in the rendition of a public utility service as defined in division (P) of section 5739.01 of the Revised Code shall be listed and assessed at the same percentage of true value in money that such property is required to be assessed by section 5727.111 of the Revised Code if owned by the public utility or interexchange telecommunications company.

(C)(1) Merchandise or an agricultural product shipped from outside this state and held in this state in a warehouse or a place of storage without further manufacturing or processing and for storage only and for shipment outside this state, but that is taxable because it does not qualify as "not used in business in this state" under division (B)(1) or (2) of section 5701.08 of the Revised Code, shall be listed and assessed at a rate of twenty-five one-hundredths of its true value in money until reduced in accordance with the following schedule:

(a) For any year, subtract five one-hundredths from the rate at which such property was required to be listed and assessed in the preceding year, if the total statewide collection of all real and tangible personal property taxes for the second preceding year exceeded the total statewide collection of all real and tangible personal property taxes for the third preceding year by more than the greater of four per cent or the rate of increase from the third to the second preceding years in the average consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor;

(b) If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year.

(2) Each year until the year the assessment rate equals zero, the tax commissioner shall determine the assessment rate required under this division and shall notify all county auditors of that rate.

(3) Notwithstanding provisions to the contrary in division (B) of section 5701.08 of the Revised Code, during and after the year for which the assessment rate as calculated under this division equals zero, any merchandise or agricultural product shipped from outside this state and held in this state in any warehouse or place of storage, whether public or private, without further manufacturing or processing and for storage only and for shipment outside this state to any person for any purpose is not used in

business in this state for property tax purposes.

(D)(1) Merchandise or an agricultural product owned by a qualified out-of-state person shipped from outside this state and held in this state in a public warehouse without further manufacturing or processing and for temporary storage only and for shipment inside this state, but that is taxable because it does not qualify as "not used in business in this state" under division (B)(1) or (2) of section 5701.08 of the Revised Code, shall be listed and assessed at a rate of twenty-five one-hundredths of its true value in money until reduced in accordance with the following schedule:

(a) For any year, subtract five one-hundredths from the rate at which such property was required to be listed and assessed in the preceding year, if the total statewide collection of all real and tangible personal property taxes for the second preceding year exceeded the total statewide collection of all real and tangible personal property taxes for the third preceding year by more than the greater of four per cent or the rate of increase from the third to the second preceding years in the average consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor;

(b) If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year.

(2) Each year until the year the assessment rate equals zero, the tax commissioner shall determine the assessment rate required under this division and shall notify all county auditors of that rate.

(3) Notwithstanding provisions to the contrary in division (B) of section 5701.08 of the Revised Code, during and after the year for which the assessment rate as calculated under this division equals zero, any merchandise or agricultural product described in division (D)(1) of this section is not used in business in this state for property tax purposes.

(4) As used in division (D) of this section:

(a) "Qualified out-of-state person" means a person that does not own, lease, or use property, other than merchandise or an agricultural product described in this division, in this state, and does not have employees, agents, or representatives in this state;

(b) "Public warehouse" means a warehouse in this state that is not subject to the control of or under the supervision of the owner of the merchandise or agricultural product stored in it, or staffed by the owner's employees, and from which the property is to be shipped inside this state.

(E) personal property valued pursuant to section 5711.15 of the Revised Code and personal property required to be listed on the average basis by division (A) of section 5711.16 of the Revised Code, except property

described in division (C) or (D) of this section, business fixtures, and furniture not held for sale in the course of business, shall be listed and assessed at the rate of twenty-five per cent of its true value in money until reduced to zero in accordance with the following schedule:

(1) Beginning in tax year 2002 and for each of tax years 2003, 2004, 2005, and 2006, subtract one percentage point from the rate at which the property was required to be listed and assessed in the preceding year, if the total statewide collection of tangible personal property taxes for the second preceding year exceeded the total statewide collection of tangible personal property taxes for the third preceding year. If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year. For purposes of this division, "total statewide collection of tangible personal property taxes" excludes taxes collected from public utilities and interexchange telecommunications companies on property that is determined to be taxable pursuant to section 5727.06 of the Revised Code.

(2) In tax year 2007, the assessment rate shall be the lesser of twenty-four per cent or one percentage point less than the rate at which property was required to be listed and assessed the preceding year. Each tax year thereafter, the assessment rate shall be reduced by one percentage point until it equals zero per cent not later than tax year 2031. During and after the tax year that the assessment rate equals zero, the property described in division (E) of this section shall not be listed for taxation.

Each year until the year the assessment rate equals zero, the tax commissioner shall determine the assessment rate required under this division and shall notify all county auditors of that rate.

(F) Unless otherwise provided by law, all other personal property used in business that has not been legally regarded as an improvement on land and considered in arriving at the value of the real property assessed for taxation shall be listed and assessed at the rate of twenty-five per cent of its true value in money.

Sec. 5727.01. As used in this chapter:

(A) "Public utility" means each person referred to as a telephone company, telegraph company, electric company, natural gas company, pipe-line company, water-works company, water transportation company, heating company, rural electric company, or railroad company.

(B) "Gross receipts" means the entire receipts for business done by any person from operation as a public utility, or incidental thereto, or in connection therewith. The gross receipts for business done by an incorporated company engaged in operation as a public utility includes the entire receipts for business done by such company under the exercise of its

corporate powers, whether from the operation as a public utility or from any other business.

(C) "Rural electric company" means any nonprofit corporation, organization, association, or cooperative engaged in the business of supplying electricity to its members or persons owning an interest therein in an area the major portion of which is rural.

(D) Any person:

(1) Is a telegraph company when engaged in the business of transmitting telegraphic messages to, from, through, or in this state;

(2) Is a telephone company when primarily engaged in the business of providing local exchange telephone service, excluding cellular radio service, in this state;

(3) Is an electric company when engaged in the business of generating, transmitting, or distributing electricity within this state for use by others;

(4) Is a natural gas company when engaged in the business of supplying natural gas for lighting, power, or heating purposes to consumers within this state;

(5) Is a pipe-line company when engaged in the business of transporting natural gas, oil, or coal or its derivatives through pipes or tubing, either wholly or partially within this state;

(6) Is a water-works company when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;

(7) Is a water transportation company when engaged in the transportation of passengers or property, by boat or other watercraft, over any waterway, whether natural or artificial, from one point within this state to another point within this state, or between points within this state and points without this state;

(8) Is a heating company when engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating purposes;

(9) Is a railroad company when engaged in the business of owning or operating a railroad either wholly or partially within this state on rights of way acquired and held exclusively by such company, or otherwise, and includes a passenger, street, suburban, or interurban railroad company.

As used in division (D)(2) of this section, "local exchange telephone service" means making available or furnishing access and a dial tone to all persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and for gaining access to other

telecommunication services.

(E) "Taxable property" means the property required by section 5727.06 of the Revised Code to be assessed by the tax commissioner but does not include either of the following:

(1) An item of tangible personal property that for the period subsequent to the effective date of an air, water, or noise pollution control certificate and continuing so long as the certificate is in force, has been certified as part of the pollution control facility with respect to which the certificate has been issued;

(2) An item of tangible personal property that during the construction of a plant or facility and until the item is first capable of operation, whether actually used in operation or not, is incorporated in or being held exclusively for incorporation in that plant or facility.

(F) "Taxing district" means a municipal corporation or township, or part thereof, in which the aggregate rate of taxation is uniform.

(G) "Telecommunications service" has the same meaning as in division (AA) of section 5739.01 of the Revised Code.

(H) "Interexchange telecommunications company" means a person that is engaged in the business of transmitting telephonic messages to, from, through, or in this state, but that is not a telephone company.

(I) "Sale and leaseback transaction" means a transaction in which a public utility or interexchange telecommunications company sells any tangible personal property to a person other than a public utility or interexchange telecommunications company and within the same calendar year leases that property back from the buyer.

(J) "Combined electric and gas company" means a person who primarily engages in the activities of an electric company, but also engages in the activities of a natural gas company.

Sec. 5727.111. The taxable property of each public utility, except a railroad company, and of each interexchange telecommunications company shall be assessed at the following percentages of true value:

(A) Fifty per cent in the case of a rural electric company;

(B) In the case of a telephone or telegraph company, the percentage provided under division ~~(E)~~(F) of section 5711.22 of the Revised Code for taxable property first subject to taxation in this state for tax year 1995 or thereafter, and eighty-eight per cent for all other taxable property;

(C) Eighty-eight per cent in the case of a natural gas or pipe-line company;

(D) Eighty-eight per cent in the case of a water-works or heating company;

(E) One hundred per cent in the case of the taxable production equipment of an electric company;

(F) Eighty-eight per cent in the case of all taxable personal property of an electric company, other than its production equipment;

(G) The percentage provided under division ~~(E)~~(F) of section 5711.22 of the Revised Code in the case of an interexchange telecommunications company;

(H) Twenty-five per cent in the case of a water transportation company.

Sec. 5727.12. As used in this chapter, "property used in railroad operations" means property used in or determined by the tax commissioner to be held by a railroad for use in railroad operations. In determining the true value of all real and personal property owned or leased by each railroad company and used in railroad operations, the commissioner shall use the unitary method and value all of the property of the company's railroad system as a whole, considering the factors generally used in that method, and weighing each factor appropriately. The true value of the property used in railroad operations shall be apportioned to this state as provided in section 5727.14 of the Revised Code. The commissioner shall separately determine the true value of property owned by the company that the commissioner determines is not used in railroad operations. The commissioner may require the advice of county auditors concerning such values.

All property of a railroad shall be assessed for taxation at the same percentage of true value at which all other real property in this state is assessed, in the case of real property, and at the percentage of true value provided under ~~division~~ divisions(E)and(F) of section 5711.22 of the Revised Code, in the case of personal property.

A determination of the value of each tract, lot, or parcel of real property or each item of personal property not used in railroad operations shall be considered a separate determination with respect to which a separate petition for reassessment may be filed under section 5727.47 of the Revised Code.

Where a line of railroad is subsidized under the terms of the federal regional rail reorganization act or the federal rail revitalization and regulatory reform act, the real and other fixed property shall be assessed solely in the name of its owner.

Sec. 5727.24. For the purpose of providing revenue to meet the needs of the state, an excise tax is hereby levied on the gross receipts of a natural gas company and on the gross receipts of a combined electric and gas company from operating as a natural gas company. The tax shall be computed by multiplying the gross receipts as determined by the tax commissioner under section 5727.33 of the Revised Code by four and three-fourths per cent. A

combined electric and gas company shall be subject to this tax on any gross receipts derived from operating as a natural gas company, and shall be subject to the tax imposed by section 5727.30 of the Revised Code for all other gross receipts, excluding the gross receipts subject to the tax imposed by this section.

Sec. 5727.25. (A) Except as provided in division (B) of this section, within forty-five days after the last day of March, June, September, and December, each natural gas company or combined electric and gas company subject to the excise tax imposed by section 5727.24 of the Revised Code shall file a return with the treasurer of state, in such form as the tax commissioner prescribes, and pay the full amount of the tax due for the preceding calendar quarter, except that the first payment of this tax shall be made on or before November 15, 2000, for the five-month period of May 1, 2000, to September 30, 2000. Thereafter, payments shall be made quarterly in accordance with this division. All payments made under this division shall be made by electronic funds transfer in accordance with section 5727.311 of the Revised Code.

(B) Any natural gas company or combined electric and gas company subject to the excise tax imposed by this section that has an annual tax liability for the year ending on the thirty-first day of December of less than three hundred twenty-five thousand dollars shall file an annual return with the treasurer of state, in such form as the tax commissioner prescribes, for the next year and remit the taxes due for that year within forty-five days after the thirty-first day of December. The first payment of the tax under this division shall be made on or before February 14, 2001, for the year ending December 31, 2000. The minimum tax for a natural gas company or combined electric and gas company subject to this division shall be ten dollars, and the company shall not be required to remit the tax due by electronic funds transfer.

(C) A return required to be filed under division (A) or (B) of this section shall show the amount of tax due from the company for the period covered by the return and any other information as prescribed by the tax commissioner. A return shall be considered filed when received by the treasurer of state. The commissioner may extend the time for making and filing returns and paying the tax.

his section, the company liable for the tax shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first. The tax commissioner may collect any additional CHARGE or interest imposed by this section by assessment in the manner provided in section 5727.26 of the Revised Code. The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.

(E) The taxes, additional charges, penalties, and interest collected under sections 5727.24 to 5727.29 shall be credited in accordance with section 5727.45 of the Revised Code.

Sec. 5727.26. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined electric and gas company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment by personal service or certified mail. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the remission of the penalty.

(B) If a party to whom the notice of assessment is directed objects to the assessment, the party may file a petition for reassessment with the tax commissioner. The petition must be made in writing, signed by the party or the party's authorized agent having knowledge of the facts, and filed with the commissioner, either personally or by certified mail, within thirty days after service of the notice of assessment. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received prior to the date shown on the final determination of the commissioner. Upon receipt of a properly filed petition, the commissioner shall notify the treasurer of state.

Unless the petitioner waives a hearing, the commissioner shall grant the petitioner a hearing on the petition, assign a time and place for the hearing, and notify the petitioner of the time and place of the hearing, by personal service or certified mail. The commissioner may continue the hearing from time to time, if necessary.

if the party to whom the notice of assessment is directed does not file a petition for reassessment, the assessment is final and the amount of the assessment is due and payable from the company assessed to the treasurer of state.

(C) The tax commissioner may make any correction to the assessment that the commissioner finds proper and shall issue a final determination thereon. The commissioner shall serve a copy of the final determination on the petitioner either by personal service or certified mail, and the commissioner's decision in the matter is final, subject to appeal under section 5717.02 of the Revised Code. The commissioner also shall transmit a copy of the final determination to the treasurer of state. Only objections decided on the MERITS by the board of tax appeals or a court shall be given collateral estoppel or res judicata effect in considering an application for refund of an amount paid pursuant to the assessment.

(D) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax

commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the natural gas company's or combined electric and gas company's principal place of business is located, or in the office of the clerk of court of common pleas of Franklin county.

The clerk, immediately on the filing of the entry, must enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined electric and gas companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

The portion of the assessment not paid within thirty days after the day the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. On issuance of the jeopardy assessment, the commissioner immediately shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) All interest collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(G) No assessment shall be made or issued against a natural gas company or combined electric and gas company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return

date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

Sec. 5727.27. Every natural gas company or combined electric and gas company liable for the tax imposed by section 5727.24 of the Revised Code shall keep complete and accurate records as prescribed by the tax commissioner. The records shall be preserved for four years after the return for the tax to which the records pertain is due or filed, whichever is later. The natural gas company or combined electric and gas company shall make the records available for inspection by the commissioner or the commissioner's agent, on the request of the commissioner or agent.

Sec. 5727.28. (A) The treasurer of state shall refund to a natural gas company or combined electric and gas company subject to the tax imposed by section 5727.24 of the Revised Code, the amount of tax paid illegally or erroneously, or paid on an illegal or erroneous assessment. Applications for a refund shall be filed with the tax commissioner, on a form prescribed by the commissioner, within four years of the illegal or erroneous payment of the tax.

On the filing of the application for a refund, the commissioner shall determine the amount of refund due and certify that amount to the director of budget and management and treasurer of state for payment from the tax refund fund under section 5703.052 of the Revised Code. If the application for refund is for taxes paid on an illegal or erroneous assessment, the tax commissioner shall include in the certified amount interest calculated at the rate per annum prescribed under section 5703.47 of the Revised Code from the date of overpayment to the date of the commissioner's certification.

(B) If a natural gas company or combined electric and gas company entitled to a refund of taxes under this section is indebted to the state for any tax or fee administered by the tax commissioner that is paid to the state or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

(C) In lieu of granting a refund under division (A) or (B) of this section, the tax commissioner may allow a natural gas company or combined electric and gas company to claim a credit of the amount of the tax refund on the RETURN for the period during which the tax became refundable. The commissioner may require the company to submit information to support a claim for a credit under this division, and the commissioner may disallow the credit if the information is not provided.

Sec. 5727.29. (A) Natural gas companies and combined electric and gas companies shall be entitled to a refundable credit equal to the following:

(1) For natural gas companies, the sum of the three payments of the excise tax on gross receipts made pursuant to section 5727.31 of the Revised Code on or before October 15, 1999, and on or before the first day of March and June 2000;

(2) For combined electric and gas companies, the sum of the three payments of the excise tax on gross receipts derived from operating as a natural gas company made pursuant to section 5727.31 of the Revised Code on or BEFORE October 15, 1999, and on or before the first day of March and June 2000. To calculate the credit allowed under division (A)(2) of this section, each combined electric and gas company shall file a separate report as prescribed by the tax commissioner segregating gross receipts from operating as an electric company and gross receipts from operating as a natural gas COMPANY, for the period ending April 30, 2000.

(B) Natural gas companies and combined electric and gas companies shall claim one-sixtieth of the credit calculated under division (A) of this section on each return filed under division (A) of section 5727.25 of the Revised Code until the full amount of the credit is claimed. The credit first may be claimed on the return filed on or before November 15, 2001, pursuant to division (A) of section 5727.25 of the Revised Code. If the credit allowed under this section exceeds the total TAXES due for any quarter, the tax commissioner shall refund or credit the excess in accordance with section 5727.28 of the Revised Code.

(C) If the excise tax imposed by section 5727.24 of the Revised Code is repealed or amended, natural gas companies and combined electric and gas companies and their successors and assigns shall be allowed to apply the credit allowed under this section to any other tax, additional charge, penalty, interest, or fee administered by the tax commissioner. Under no circumstances shall payment of the refundable credit granted by this section be accelerated.

Sec. 5727.30. Each public utility, except railroad companies and natural gas companies, shall be subject to an annual excise tax, as provided by sections 5727.31 to 5727.62 of the Revised Code, for the privilege of owning property in this state or doing business in this state during the twelve-month period next succeeding the period upon which the tax is based. The tax shall be imposed against each such public utility ~~which~~ that, on the first day of such twelve-month period, owns property in this state or is doing business in this state, and the lien for the tax, including any penalties and interest accruing thereon, shall attach on such day to the

property of the public utility in this state.

Sec. 5727.31. (A) Each public utility~~, except railroad companies, doing business or owning property in this state shall~~ subject to the tax imposed by section 5727.30 of the Revised Code, annually, on or before the first day of August, shall file with the tax commissioner a statement in such form as the commissioner prescribes.

(B)(1) Annually, on or before the fifteenth day of October of the current year, each public utility ~~subject to the excise taxes levied by this chapter~~ whose estimated excise taxes for the current year as based upon the statement required to be filed in that year by division (A) of this section are~~, in the case of a public utility other than a natural gas company,~~ one thousand dollars or more~~, or are, in the case of a natural gas company, three hundred twenty-five thousand dollars or more,~~ shall file with the treasurer of state a report, in such form as the tax commissioner prescribes, showing the amount of excise tax estimated to be charged or levied pursuant to law for the current year upon the basis of such annual statement, and shall remit a portion of the estimated excise taxes shown to be due by the report. The portion of the estimated excise taxes due at the time the report is filed shall be one-third of its total excise taxes estimated to be charged or levied for the current year based upon the annual statement filed under division (A) of this section.

(2) Annually, on or before the first day of March and June, each public utility ~~subject to the excise taxes levied by this chapter~~ whose excise taxes as based upon its last preceding annual statement filed under division (A) of this section prior to the first day of January were~~, in the case of a public utility other than a natural gas company,~~ one thousand dollars or more~~, or were, in the case of a natural gas company, three hundred twenty-five thousand dollars or more,~~ shall file with the treasurer of state a report, in such form as the tax commissioner prescribes, showing the amount of excise tax charged or levied pursuant to law upon the basis of such annual statement, and shall remit a portion of the excise taxes shown to be due by each such report. The portion of the excise taxes due at the time each such report is filed shall be one-third of its total excise taxes so charged or levied based upon such annual statement.

(C) Any public utility subject to the excise taxes imposed by ~~this chapter~~ section 5727.30 of the Revised Code whose tax as certified under section 5727.38 of the Revised Code in a year equals or exceeds the amount specified for that year in section 5727.311 of the Revised Code shall make the payments required under this section in the second ensuing and each succeeding year in the manner prescribed by section 5727.311 of the

Revised Code, except as otherwise prescribed by that section.

(D)(1) For purposes of this section, a report required to be filed under division (B) of this section is considered filed when it is received by the treasurer of state.

(2) For purposes of this section and sections 5727.311 and 5727.42 of the Revised Code, remittance of an excise tax required to be made under this section is considered to be made when the remittance is received by the treasurer of state, or when credited to an account designated by the treasurer of state for the receipt of tax remittances.

Sec. 5727.311. (A) Any public utility subject to an excise tax imposed by ~~this chapter~~ section 5727.30 of the Revised Code whose tax as certified by the tax commissioner under section 5727.38 of the Revised Code ~~in the year indicated in the following schedule~~ equals or exceeds ~~the amount indicated for that year in the schedule~~ fifty thousand dollars shall make each payment required under division (B) of section 5727.31 of the Revised Code for the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (B) of this section.

~~Year for which tax was certified~~ ~~1992~~ ~~1993 and thereafter~~
~~Amount of tax certified~~ ~~$100,000~~ ~~$50,000~~

If the tax certified by the tax commissioner in each of two consecutive years beginning with 1993 is less than fifty thousand dollars, the public utility is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax certified is less than fifty thousand dollars, and is relieved of that requirement for each succeeding year unless the tax certified in a subsequent year equals or exceeds fifty thousand dollars. ~~The~~

(B) The tax commissioner shall notify each public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer of the public utility's obligation to do so, shall maintain an updated list of those public utilities, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a public utility subject to this section to remit taxes by electronic funds transfer does not relieve the public utility of its obligation to remit taxes by electronic funds transfer.

~~(B)~~(C) Public utilities required by this section or section 5727.25 of the Revised Code to remit periodic payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer under section 113.061 of the Revised Code.

The payment of public utility excise taxes by electronic funds transfer does not affect a public utility's obligation to file the annual statement and periodic reports in the manner and at the times prescribed by section 5727.31 of the Revised Code.

A public utility required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer of state to be excused from that requirement. The treasurer of state may excuse the public utility from remittance by electronic funds transfer for good cause shown for the period of time requested by the public utility or for a portion of that period. The treasurer of state shall notify the tax commissioner and the public utility of the ~~treasurer's~~ treasurer of state's decision as soon as is practicable.

~~(C)~~(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the treasurer of state determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the treasurer of state may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid by electronic funds transfer, but not to exceed five thousand dollars. Any additional charge imposed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the public utility remits by some means other than electronic funds transfer.

Sec. 5727.32. The statement required by section 5727.31 of the Revised Code for the purpose of the ~~public utility excise~~ tax imposed by section 5727.30 of the Revised Code shall contain:

(A) The name of the company;

(B) The nature of the company, whether a person, association, or corporation, and under the laws of what state or country organized;

(C) The location of its principal office;

(D) The name and post-office address of the president, secretary, auditor, treasurer, and superintendent or general manager;

(E) The name and post-office address of the chief officer or managing

agent of the company in this state;

(F) The amount of the excise taxes paid or to be paid with the reports made during the current calendar year as provided by section 5727.31 of the Revised Code;

(G) In the case of telegraph and telephone companies:

(1) The gross receipts from all sources, whether messages, telephone tolls, rentals, or otherwise, for business done within this state, including all sums earned or charged, whether actually received or not, for the year ending on the thirtieth day of June, and the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all of the following:

(a) All of the receipts derived wholly from interstate business or business done for or with the federal government;

(b) The receipts of amounts billed on behalf of other entities;

(c) The receipts from sales to other telephone companies for resale;

(d) ~~For the year ending June 30, 1990, and each subsequent year,~~ The receipts from sales to providers of telecommunications service for resale, receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight-hundred-type service, and receipts from private communications service.

As used in this division, "receipts from sales to other telephone companies for resale" and "receipts from sales to providers of telecommunications service for resale" include, but are not limited to, receipts of carrier access charges. "Carrier access charges" means compensation paid to the taxpayer telephone company by another telephone company or by a provider of telecommunications service for the use of the taxpayer's facilities to originate or terminate telephone calls or telecommunications service.

(2) The total gross receipts for such period from business done within this state.

(H) In the case of all public utilities, except natural gas companies and telegraph and telephone companies:

(1) The gross receipts of the company, actually received, from all sources for business done within this state for the year next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all of the following:

(a) Receipts from interstate business or business done for the federal government;

(b) Receipts from sales to other public utilities for resale, provided such other public utility is required to file a statement pursuant to section 5727.31 of the Revised Code;

(c) ~~For the year ending April 30, 1990, and each subsequent year, receipts~~ Receipts from the transmission or delivery of electricity to or for a rural electric company, provided that the electricity that has been so transmitted or delivered is for resale by the rural electric company;

(d) Receipts of an electric company, derived from the provision of electricity and other services to a qualified former owner of the production facilities ~~which~~ that generated the electricity from which those receipts were derived. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:

(i) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the electricity is generated, and, for at least twenty years prior to that sale, the facility was used to generate electricity, but it was not owned in whole or in part during that period by an electric company.

(ii) At the time the electric company provided the electricity or other services for which the exclusion is claimed, the person, or a successor or assign of the person, owned not less than a twenty per cent ownership of the production facility and the rights to not less than twenty per cent of the production of that facility; and the person, or a successor or assign of the person, engaged primarily in a business other than providing electricity to others.

(e) Receipts of a ~~natural~~ combined electric and gas company ~~of amounts billed on behalf of other entities. Transportation and billing and collection fees charged to other entities shall be included in the gross receipts of~~ derived from operating as a natural gas company if the receipts are subject to the tax imposed by section 5727.24 of the Revised Code.

(2) The total gross receipts of such company for such period in this state from business done within the state.

The reports required by section 5727.31 of the Revised Code shall contain:

(a) The name and principal mailing address of the company;

(b) The total amount of the gross receipts excise taxes charged or levied as based upon its last preceding annual statement filed prior to the first day of January of the year in which such report is filed;

(c) The amount of the excise taxes due with the report as provided by

section 5727.31 of the Revised Code.

Sec. 5727.33. (A) For the purpose of computing the ~~public utility~~ excise tax imposed by section 5727.24 or 5727.30 of the Revised Code, the tax commissioner shall ascertain and determine the entire gross receipts actually received from all sources, excluding the receipts described in divisions (B), (C), (D), ~~and~~ (E), and (F) of this section, of each electric, rural electric, ~~natural~~ combined electric and gas, pipe-line, water-works, heating, and water transportation company for business done within this state for the year ending on the thirtieth day of April, of each natural gas company for business done within this state quarterly or yearly as provided in section 5727.25 of the Revised Code, and of each telegraph and telephone company for business done within this state for the year ending on the thirtieth day of June.

(B) In ascertaining and determining the gross receipts of each of the companies named in this section, the commissioner shall exclude all of the following:

(1) All receipts derived wholly from interstate business;

(2) All receipts derived wholly from business done for or with the federal government;

(3) ~~For the year ending April 30, 1990, and each subsequent year, all~~ All receipts derived wholly from the transmission or delivery of electricity to or for a rural electric company, provided that the electricity that has been so transmitted or delivered is for resale by the rural electric company;

(4) All receipts from the sale of merchandise;

(5) All receipts from sales to other public utilities, except railroad, telegraph, and telephone companies, for resale, provided the other public utility is required to file a statement pursuant to section 5727.31 of the Revised Code.

(C) In ascertaining and determining the gross receipts of a telephone company, the commissioner shall exclude all of the following:

(1) ~~For the year ending June 30, 1988, and each subsequent year, receipts~~ Receipts of amounts billed on behalf of other entities;

(2) ~~For the year ending June 30, 1988, and each subsequent year, receipts~~ Receipts from sales to other telephone companies for resale, as defined in division (G) of section 5727.32 of the Revised Code;

(3) ~~For the year ending June 30, 1990, and each subsequent year, receipts~~ Receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight-hundred-type service;

(4) ~~For the year ending June 30, 1990, and each subsequent year,~~

~~receipts~~ Receipts from private communications service as described in division (AA)(2) of section 5739.01 of the Revised Code;

(5) ~~For the year ending June 30, 1990, and each subsequent year, receipts~~ Receipts from sales to providers of telecommunications service for resale, as defined in division (G) of section 5727.32 of the Revised Code.

(D) In ascertaining and determining the gross receipts of an electric company, the commissioner shall exclude receipts derived from the provision of electricity and other services to a qualified former owner of the production facilities ~~which~~ that generated the electricity from which those receipts were derived. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:

(1) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the electricity is generated, and, for at least twenty years prior to that sale, the facility was used to generate electricity, but it was not owned in whole or in part during that period by an electric company.

(2) At the time the electric company provided the electricity or other services for which the exclusion is claimed, the person, or a successor or assign of the person, owned not less than a twenty per cent ownership of the production facility and the rights to not less than twenty per cent of the production of that facility.

(E) In ascertaining and determining the gross receipts of a natural gas company, the commissioner shall exclude receipts of amounts billed on behalf of other entities. Transportation and billing and collection fees charged to other entities shall be included in the gross receipts of a natural gas company.

~~The~~ (F) In ascertaining and determining the gross receipts of a combined electric and gas company subject to the tax imposed by section 5727.30 of the Revised Code, the commissioner shall exclude all receipts derived from operating as a natural gas company that are subject to the tax imposed by section 5727.24 of the Revised Code.

(G) Except as provided in division (H) of this section, the amount ascertained by the commissioner under this section, less a deduction of twenty-five thousand dollars, shall be the gross receipts of such companies for business done within this state for that year.

(H) The amount ascertained by the commissioner under this section, less the following deduction, shall be the gross receipts of a natural gas company or combined electric and gas company for business done within this state:

(1) For a natural gas company that files quarterly returns of the tax imposed by section 5727.24 of the Revised Code, six thousand two hundred

fifty dollars for each quarterly return;

(2) For a natural gas company that files an annual return of the tax imposed by section 5727.24 of the Revised Code, twenty-five thousand dollars for each annual return;

(3) For a combined electric and gas company, twenty-five thousand dollars on the annual statement filed under section 5727.31 of the Revised Code. A combined electric and gas company shall not be entitled to a deduction in computing gross receipts subject to the tax imposed by section 5727.24 of the Revised Code.

Sec. 5727.38. On or before the first Monday of November, annually, the tax commissioner shall assess an excise tax against each public utility, except railroad companies and natural gas companies. The tax shall be computed by multiplying the gross receipts as determined by the commissioner under section 5727.33 of the Revised Code by six and three-fourths per cent in the case of pipe-line companies and four and three-fourths per cent in the case of all other companies. The minimum tax for any such company for owning property or doing business in this state shall be ten dollars. The assessment shall be certified to the taxpayer and treasurer of state.

Sec. 5727.42. (A) The treasurer of state shall maintain a list of all excise taxes levied and payments made pursuant to this chapter. The treasurer of state shall collect and the taxpayer shall pay all taxes and any penalties thereon. Payments of the tax imposed by section 5727.30 of the Revised Code may be made by mail, in person, by electronic funds transfer if required to do so by section 5727.311 of the Revised Code, or by any other means authorized by the treasurer of state. The treasurer of state may adopt rules concerning the methods and timeliness of payment.

(B) Each tax bill issued pursuant to this section shall separately reflect the taxes due, due date, and any other information considered necessary. ~~Except as otherwise provided in division (F) of this section, the~~ The last day on which payment may be made without penalty shall be at least twenty but not more than thirty days from the date of mailing the tax bill. The treasurer of state shall mail the tax bill, and the mailing thereof shall be prima-facie evidence of receipt thereof by the taxpayer.

(C) The treasurer of state shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The treasurer of state may consult the attorney general regarding such claims.

(D) Within twenty days after receipt of any excise tax assessment

certified to ~~him~~ the treasurer of state for the tax imposed by section 5727.30 of the Revised Code, the treasurer of state shall:

(1) Ascertain the difference between the total taxes shown on such assessment and the sum of all ~~advance~~ estimated payments, exclusive of any penalties thereon, previously made for that year.

(2) If the difference is a deficiency, the treasurer of state shall issue a tax bill.

(3) If the difference is an excess, the treasurer of state shall certify the name of the taxpayer and the amount to be refunded to the director of budget and management for payment to the taxpayer.

If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the treasurer of state may determine the net result and, depending on such result, proceed to mail a tax bill or certify a refund.

(E) If a taxpayer fails to pay all taxes on or before the due date shown on the tax bill, or fails to make an ~~advance~~ estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, but makes payment within ten calendar days of such date, the treasurer of state shall add a penalty equal to five per cent of the amount that should have been timely paid. If payment is not made within ten days of such date, the treasurer of state shall add a penalty equal to fifteen per cent of the amount that should have been timely paid. The treasurer of state shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general and tax commissioner. The attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the treasurer of state and tax commissioner of all collections.

~~(F) The last day on which a natural gas company that is not required to make payments under division (B) of section 5727.31 of the Revised Code may pay its taxes without penalty shall be the fifteenth day of March of the year following the year in which the commissioner is required to certify his assessment of the company's tax under section 5727.38 of the Revised Code. The tax due date shall be reflected on the tax bill.~~

Sec. 5727.48. The tax commissioner, on application by a public utility, may extend to the public utility a further specified time, not to exceed sixty days, within which to file any report or statement required by this chapter to be filed with the commissioner, except reports required by sections 5727.24 to 5727.29 of the Revised Code. A public utility must file such an application, in writing, with the commissioner on or before the date that the report or statement is otherwise required to be filed.

Sec. 5727.50. If any public utility fails to make any report to the tax commissioner required by law, or makes such report and fails to report or reports erroneously any information essential to the determination of any amount, value, proportion, or other fact to be determined by the commissioner pursuant to law, which is necessary for the fixing of any fee, tax, or assessment, the commissioner shall determine such amount, value, proportion, or other fact and shall certify the same as required by law. Such power and duty of the commissioner shall extend only to the five years next preceding the year in which such inquiry is made. Upon the determination and certification by the commissioner, a tax, fee, or assessment shall be charged for collection from such public utility at the rate provided by law for the years when such tax, fee, or assessment was omitted, or erroneously charged so that the total tax, fee, or assessment paid and to be paid for such years shall be in the full amount chargeable to such public utility by law. Such charge shall be without prejudice to the collection of any penalty authorized by law.

This section shall not apply to sections 5727.24 to 5727.29 of the Revised Code.

Sec. 5727.60. If a public utility required to file a report with the tax commissioner by sections 5727.02 to 5727.23 and 5727.30 to 5727.62~~, inclusive,~~ of the Revised Code, fails to make such report, it shall be subject to a penalty of ten dollars per day for each day's omission after the time limited for making such report.

Sec. 5733.05. As used in this section, "qualified research" means laboratory research, experimental research, and other similar types of research; research in developing or improving a product; or research in developing or improving the means of producing a product. It does not include market research, consumer surveys, efficiency surveys, management studies, ordinary testing or inspection of materials or products for quality control, historical research, or literary research. "Product" as used in this paragraph does not include services or intangible property.

The annual report determines the value of the issued and outstanding shares of stock of the taxpayer, which under division (A) or divisions (B) and (C) of this section is the base or measure of the franchise tax liability. Such determination shall be made as of the date shown by the report to have been the beginning of the corporation's annual accounting period that includes the first day of January of the tax year. For the purposes of this chapter, the value of the issued and outstanding shares of stock of any corporation that is a financial institution shall be deemed to be the value as calculated in accordance with division (A) of this section. For the purposes

f this chapter, the value of the issued and outstanding shares of stock of any corporation that is not a financial institution shall be deemed to be the values as calculated in accordance with divisions (B) and (C) of this section.

(A) The total value, as shown by the books of the financial institution, of its capital, surplus, whether earned or unearned, undivided profits, and reserves shall be determined as prescribed by section 5733.056 of the Revised Code for tax years 1998 and thereafter.

(B) The sum of the corporation's net income during the corporation's taxable year, allocated or apportioned to this state as prescribed in divisions (B)(1) and (2) of this section, and subject to sections 5733.052, 5733.053, 5733.057, and 5733.058 of the Revised Code:

(1) The net income allocated to this state as provided by section 5733.051 of the Revised Code.

(2) The amount of Ohio apportioned net income from sources other than those allocated under section 5733.051 of the Revised Code, which shall be determined by multiplying the corporation's net income by a fraction. The numerator of the fraction is the sum of the following products: the property factor multiplied by twenty, the payroll factor multiplied by twenty, and the sales factor multiplied by sixty. The denominator of the fraction is one hundred, provided that the denominator shall be reduced by twenty if the property factor has a denominator of zero, by twenty if the payroll factor has a denominator of zero, and by sixty if the sales factor has a denominator of zero.

The property, payroll, and sales factors shall be determined as follows:

(a) The property factor is a fraction the numerator of which is the average value of the corporation's real and tangible personal property owned or rented, and used in the trade or business in this state during the taxable year, and the denominator of which is the average value of all the corporation's real and tangible personal property owned or rented, and used in the trade or business everywhere during such year. There shall be excluded from the numerator and denominator of the property factor the original cost of all of the following property within Ohio: property with respect to which a "pollution control facility" certificate has been issued pursuant to section 5709.21 of the Revised Code; property with respect to which an "industrial water pollution control certificate" has been issued pursuant to section 6111.31 of the Revised Code; and property used exclusively during the taxable year for qualified research.

(i) Property owned by the corporation is valued at its original cost. Property rented by the corporation is valued at eight times the net annual rental rate. "Net annual rental rate" means the annual rental rate paid by the

corporation less any annual rental rate received by the corporation from subrentals.

(ii) The average value of property shall be determined by averaging the values at the beginning and the end of the taxable year, but the tax commissioner may require the averaging of monthly values during the taxable year, if reasonably required to reflect properly the average value of the corporation's property.

(b) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year by the corporation for compensation, and the denominator of which is the total compensation paid everywhere by the corporation during such year. There shall be excluded from the numerator and the denominator of the payroll factor the total compensation paid in this state to employees who are primarily engaged in qualified research.

(i) Compensation means any form of remuneration paid to an employee for personal services.

(ii) Compensation is paid in this state if: (1) the recipient's service is performed entirely within this state, (2) the recipient's service is performed both within and without this state, but the service performed without this state is incidental to the recipient's service within this state, (3) some of the service is performed within this state and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the recipient's residence is in this state.

(iii) Compensation is paid in this state to any employee of a common or contract motor carrier corporation, who performs the employee's regularly assigned duties on a motor vehicle in more than one state, in the same ratio by which the mileage traveled by such employee within the state bears to the total mileage traveled by such employee everywhere during the taxable year.

(c) The sales factor is a fraction the numerator of which is the total sales in this state by the corporation during the taxable year, and the denominator of which is the total sales by the corporation everywhere during such year. In determining the numerator and denominator of the sales factor, receipts from the sale or other disposal of a capital asset or an asset described in section 1231 of the Internal Revenue Code shall be eliminated. Also, in determining the numerator and denominator of the sales factor, in the case of a reporting corporation owning at least eighty per cent of the issued and outstanding common stock of one or more public utilities or insurance companies, or owning at least twenty-five per cent of the issued and

ding common stock of one or more financial institutions, receipts received by the reporting corporation from such utilities, insurance companies, and financial institutions shall be eliminated.

For the purpose of this section and section 5733.03 of the Revised Code, sales of tangible personal property are in this state where such property is received in this state by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered as the place at which such property is received by the purchaser. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale.

Sales, other than sales of tangible personal property, are in this state if either:

(i) The income-producing activity is performed solely in this state;

(ii) The income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed within this state than in any other state, based on costs of performance.

(d) If the allocation and apportionment provisions of division (B) of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may request, which request must be in writing and must accompany the report, timely filed petition for reassessment, or timely filed amended report, or the tax commissioner may require, in respect to all or any part of the taxpayer's allocated or apportioned base, if reasonable, any one or more of the following:

(i) Separate accounting;

(ii) The exclusion of any one or more of the factors;

(iii) The inclusion of one or more additional factors which will fairly represent the taxpayer's allocated or apportioned base in this state.

An alternative method will be effective only with approval by the tax commissioner.

Nothing in this section shall be construed to extend any statute of limitations set forth in this chapter.

(C)(1) Subject to divisions (C)(2) and (3) of this section, the total value, as shown on the books of each corporation that is not a qualified holding company, of the net book value of a corporation's assets less the net carrying

value of its liabilities, and excluding from the corporation's assets land devoted exclusively to agricultural use as of the first Monday of June in the corporation's taxable year as determined by the county auditor of the county in which the land is located pursuant to section 5713.31 of the Revised Code. For the purposes of determining that total value, any reserves shown on the corporation's books shall be considered liabilities or contra assets except for any reserves that are deemed appropriations of retained earnings under generally accepted accounting principles.

(2)(a) If, on the last day of the taxpayer's taxable year preceding the tax year, the taxpayer is a related member to a corporation that elects to be a qualifying holding company for the tax year beginning after the last day of the taxpayer's taxable year, or if, on the last day of the taxpayer's taxable year preceding the tax year, a corporation that elects to be a qualifying holding company for the tax year beginning after the last day of the taxpayer's taxable year is a related member to the taxpayer, then the taxpayer's total value shall be adjusted by the qualifying amount. Except as otherwise provided under division (C)(2)(b) of this section, "qualifying amount" means the amount that, when added to the taxpayer's total value, and when subtracted from the net carrying value of the taxpayer's liabilities computed without regard to division (C)(2) of this section, or when subtracted from the taxpayer's total value and when added to the net carrying value of the taxpayer's liabilities computed without regard to division (C)(2) of this section, results in the taxpayer's debt-to-equity ratio equaling the debt-to-equity ratio of the qualifying controlled group on the last day of the taxable year ending prior to the first day of the tax year computed on a consolidated basis in accordance with general accepted accounting principles. For the purposes of division (C)(2)(a) of this section, the corporation's total value, after the adjustment required by that division, shall not exceed the net book value of the corporation's assets.

(b)(i) The amount added to the taxpayer's total value and subtracted from the net carrying value of the taxpayer's liabilities shall not exceed the amount of the net carrying value of the taxpayer's liabilities owed to the taxpayer's related members.

(ii) A liability owed to the taxpayer's related members includes, but is not limited to, any amount that the corporation owes to a person that is not a related member if the corporation's related member or related members in whole or in part guarantee any portion or all of that amount, or pledge, hypothecate, mortgage, or carry out any similar transactions to secure any portion or all of that amount.

(3) The base upon which the tax is levied under division (C) of section

5733.06 of the Revised Code shall be computed by multiplying the amount determined under divisions (C)(1) and (2) of this section by the fraction determined under divisions (B)(2)(a) to (c) of this section and, if applicable, divisions (B)(2)(d)(ii) to (iv) of this section but without regard to section 5733.052 of the Revised Code.

(4) For purposes of division (C) of this section, "related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section.

Sec. 5733.16. For the purposes of sections ~~5727.38~~ 5727.24 to 5727.62 of the Revised Code and this chapter, domestic corporations are deemed organized upon the filing of articles of incorporation in the office of the secretary of state, and foreign corporations are deemed admitted to do business in this state when the statement for admission has been filed with the secretary of state or a certificate of compliance with the laws of this state has been obtained from ~~him~~ the secretary of state. Each domestic corporation shall be required to file its first report and pay the tax in and for the calendar year immediately succeeding the date of its organization, and each foreign corporation shall similarly report and pay in and for the calendar year immediately succeeding its admission. Failure on the part of any foreign corporation for profit and any foreign corporation not for profit referred to in section 5733.01 of the Revised Code to proceed according to law to obtain from the secretary of state proper authority to do business or to own or use property in this state shall not excuse such corporation from liability to make proper excise or franchise tax report or return or pay a proper excise or franchise tax or penalty, if such liability would have attached had such proper authority been obtained.

Sec. 5733.33. (A) As used in this section:

(1) "Manufacturing machinery and equipment" means engines and machinery, and tools and implements, of every kind used, or designed to be used, in refining and manufacturing.

(2) "New manufacturing machinery and equipment" means manufacturing machinery and equipment, the original use in this state of which commences with the taxpayer or with a partnership of which the taxpayer is a partner.

(3)(a) "Purchase" has the same meaning as in section 179(d)(2) of the Internal Revenue Code.

(b) ~~Any purchase, for~~ For purposes of this section, any property that is not manufactured or assembled primarily by the taxpayer is considered ~~to occur~~ purchased at the time the agreement to acquire the property ~~to be purchased~~ becomes binding. Any property that is manufactured or

assembled primarily by the taxpayer is considered purchased at the time the taxpayer places the property in service in the county for which the taxpayer will calculate the county excess amount.

(c) Notwithstanding section 179(d) of the Internal Revenue Code, a taxpayer's direct or indirect acquisition of new manufacturing machinery and equipment is not purchased on or after July 1, 1995, if the taxpayer, or a person whose relationship to the taxpayer is described in subparagraphs (A), (B), or (C) of section 179(d)(2) of the Internal Revenue Code, had directly or indirectly entered into a binding agreement to acquire the property at any time prior to July 1, 1995.

(4) "Qualifying period" means the period that begins July 1, 1995, and ends December 31, ~~2000~~ 2005.

(5) "County average new manufacturing machinery and equipment investment" means either of the following:

(a) The average annual cost of new manufacturing machinery and equipment purchased for use in the county during baseline years, in the case of a taxpayer or partnership that was in existence for more than one year during baseline years.

(b) Zero, in the case of a taxpayer or partnership that was not in existence for more than one year during baseline years.

(6) "Partnership" includes a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(7) "Partner" includes a member of a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(8) "Distressed area" means either a municipal corporation that has a population of at least fifty thousand or a county that meets two of the following criteria of economic distress, or a municipal corporation the majority of the population of which is situated in such a county:

(a) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period;

(b) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau;

(c)(i) In the case of a municipal corporation, at least twenty per cent of

the residents have a total income for the most recent census year that is below the official poverty line;

(ii) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

(9) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area.

(10) "Inner city area" means, in a municipal corporation that has a population of at least one hundred thousand and does not meet the criteria of a labor surplus area or a distressed area, targeted investment areas established by the municipal corporation within its boundaries that are comprised of the most recent census block tracts that individually have at least twenty per cent of their population at or below the state poverty level or other census block tracts contiguous to such census block tracts.

(11) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(12) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.

(13) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer, that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include written documentation that demonstrates all of the following adverse effects on the local economy:

(a) The number of jobs lost by the closing or downsizing;

(b) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the Ohio bureau of employment services;

(c) The annual payroll associated with the job loss;

(d) The amount of state and local taxes associated with the job loss;

(e) The impact that the closing or downsizing has on the suppliers located in the county or municipal corporation.

(14) "Cost" has the same meaning and limitation as in section 179(d)(3) of the Internal Revenue Code.

(15) "Baseline years" means:

(a) Calendar years 1992, 1993, and 1994, with regard to a credit claimed for the purchase during calendar year 1995, 1996, 1997, or 1998 of new manufacturing machinery and equipment;

(b) Calendar years 1993, 1994, and 1995, with regard to a credit claimed for the purchase during calendar year 1999 of new manufacturing machinery and equipment;

(c) Calendar years 1994, 1995, and 1996, with regard to a credit claimed for the purchase during calendar year 2000 of new manufacturing machinery and equipment;

(d) Calendar years 1995, 1996, and 1997, with regard to a credit claimed for the purchase during calendar year 2001 of new manufacturing machinery and equipment;

(e) Calendar years 1996, 1997, and 1998, with regard to a credit claimed for the purchase during calendar year 2002 of new manufacturing machinery and equipment;

(f) Calendar years 1997, 1998, and 1999, with regard to a credit claimed for the purchase during calendar year 2003 of new manufacturing machinery and equipment;

(g) Calendar years 1998, 1999, and 2000, with regard to a credit claimed for the purchase during calendar year 2004 of new manufacturing machinery and equipment;

(h) Calendar years 1999, 2000, and 2001, with regard to a credit claimed for the purchase during calendar year 2005 of new manufacturing machinery and equipment;

(16) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(B)(1) ~~A~~ Subject to division (I) of this section, a nonrefundable credit is allowed against the tax imposed by section 5733.06 of the Revised Code for a taxpayer that purchases new manufacturing machinery and equipment during the qualifying period, provided that the new manufacturing machinery and equipment are installed in this state no later than December 31, ~~2001~~ 2006.

(2) The credit is also available to a taxpayer that is a partner in a partnership that purchases new manufacturing machinery and equipment during the qualifying period, provided that the partnership installs the new manufacturing machinery and equipment in this state no later than December 31, ~~2001~~ 2006 The taxpayer shall determine the credit amount as provided in division (H) of this section.

(3)(a) Except as otherwise provided in division (B)(3)(b) of this section, a credit may be claimed under this section in excess of one million dollars only if the cost of all manufacturing machinery and equipment owned in this state by the taxpayer claiming the credit on the last day of the calendar year exceeds the cost of all manufacturing machinery and equipment owned in

this state by the taxpayer on the first day of that calendar year.

As used in division (B)(3)(a) of this section, "calendar year" means the calendar year in which the machinery and equipment for which the credit is claimed was purchased.

(b) Division (B)(3)(a) of this section does not apply if the taxpayer claiming the credit applies for and is issued a waiver of the requirement of that division. A taxpayer may apply to the director of ~~the department of~~ development for such a waiver in the manner prescribed by the director, and the director may issue such a waiver if the director determines that granting the credit is necessary to increase or retain employees in this state, and that the credit has not caused relocation of manufacturing machinery and equipment among counties within this state for the primary purpose of qualifying for the credit.

(C)(1) Except as otherwise provided in division (C)(2) and division (I) of this section, the credit amount is equal to seven and one-half per cent of the excess of the cost of the new manufacturing machinery and equipment purchased during the calendar year for use in a county over the county average new manufacturing machinery and equipment investment for that county.

(2) ~~As~~ Subject to division (I) of this section, as used in division (C)(2) of this section, "county excess" means the taxpayer's excess cost for a county as computed under division (C)(1) of this section.

~~For~~ Subject to division (I) of this section, a taxpayer with a county excess, whose purchases included purchases for use in any eligible area in the county, the credit amount is equal to thirteen and one-half per cent of the cost of the new manufacturing machinery and equipment purchased during the calendar year for use in the eligible areas in the county, provided that the cost subject to the thirteen and one-half per cent rate shall not exceed the county excess. If the county excess is greater than the cost of the new manufacturing machinery and equipment purchased during the calendar year for use in eligible areas in the county, the credit amount also shall include an amount equal to seven and one-half per cent of the amount of the difference.

(3) If a taxpayer is allowed a credit for purchases of new manufacturing machinery and equipment in more than one county or eligible area, it shall aggregate the amount of those credits each year.

(4) The taxpayer shall claim one-seventh of the credit amount for the tax year immediately following the calendar year in which the new manufacturing machinery and equipment is purchased for use in the county by the taxpayer or partnership. One-seventh of the taxpayer credit amount is allowed for each of the six ensuing tax years. Except for carried-forward

amounts, the taxpayer is not allowed any credit amount remaining if the new manufacturing machinery and equipment is sold by the taxpayer or partnership or is transferred by the taxpayer or partnership out of the county before the end of the seven-year period unless, at the time of the sale or transfer, the new manufacturing machinery and equipment has been fully depreciated for federal income tax purposes.

(5)(a) A taxpayer that acquires manufacturing machinery and equipment as a result of a merger with the taxpayer with whom commenced the original use in this state of the manufacturing machinery and equipment, or with a taxpayer that was a partner in a partnership with whom commenced the original use in this state of the manufacturing machinery and equipment, is entitled to any remaining or carried-forward credit amounts to which the taxpayer was entitled.

(b) A taxpayer that enters into an agreement under division (C)(3) of section 5709.62 of the Revised Code and that acquires manufacturing machinery or equipment as a result of purchasing a large manufacturing facility, as defined in section 5709.61 of the Revised Code, from another taxpayer with whom commenced the original use in this state of the manufacturing machinery or equipment, and that operates the large manufacturing facility so purchased, is entitled to any remaining or carried-forward credit amounts to which the other taxpayer who sold the facility would have been entitled under this section had the other taxpayer not sold the manufacturing facility or equipment.

(c) New manufacturing machinery and equipment is not considered sold if a pass-through entity transfers to another pass-through entity substantially all of its assets as part of a plan of reorganization under which substantially all gain and loss is not recognized by the pass-through entity that is transferring the new manufacturing machinery and equipment to the transferee and under which the transferee's basis in the new manufacturing machinery and equipment is determined, in whole or in part, by reference to the basis of the pass-through entity which transferred the new manufacturing machinery and equipment to the transferee.

(d) Division (C)(5) of this section shall apply only if the acquiring taxpayer or transferee does not sell the new manufacturing machinery and equipment or transfer the new manufacturing machinery and equipment out of the county before the end of the seven-year period to which division (C)(4) of this section refers.

(e) Division (C)(5)(b) of this section applies only to the extent that the taxpayer that sold the manufacturing machinery or equipment, upon request, timely provides to the tax commissioner any information that the tax

commissioner considers to be necessary to ascertain any remaining or carried-forward amounts to which the taxpayer that sold the facility would have been entitled under this section had the taxpayer not sold the manufacturing machinery or equipment. Nothing in division (C)(5)(b) or (e) of this section shall be construed to allow a taxpayer to claim any credit amount with respect to the acquired manufacturing machinery or equipment that is greater than the amount that would have been available to the other taxpayer that sold the manufacturing machinery or equipment had the other taxpayer not sold the manufacturing machinery or equipment.

(D) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. Each year, any credit amount in excess of the tax due under section 5733.06 of the Revised Code after allowing for any other credits that precede the credit under this section in that order may be carried forward for three tax years.

(E) A taxpayer purchasing new manufacturing machinery and equipment and intending to claim the credit shall file, with the department of development, a notice of intent to claim the credit on a form prescribed by the department of development. The department of development shall inform the tax commissioner of the notice of intent to claim the credit.

(F) The director of development shall annually certify, by the first day of January of each year during the qualifying period, the eligible areas for the tax credit for the calendar year that includes that first day of January. The director shall send a copy of the certification to the tax commissioner.

(G) New manufacturing machinery and equipment for which a taxpayer claims the credit under section 5733.31, 5733.311, 5747.26, or 5747.261 of the Revised Code shall not be considered new manufacturing machinery and equipment for purposes of the credit under this section.

(H)(1) With regard to a taxpayer that is a partner in a partnership, the county average new manufacturing machinery and equipment investment shall be determined based on the number of years, if any, the partnership was in existence during baseline years. In determining the county average new manufacturing machinery and equipment investment, the excess of the cost of new manufacturing machinery and equipment purchased during the calendar year, and all other amounts necessary to calculate the credit allowed by this section, the taxpayer shall include the taxpayer's ~~distributive~~ proportionate share of the cost of new manufacturing machinery and equipment purchased by a partnership in which the corporation had a direct or indirect investment during the calendar year prior to the first day of a tax year for which the taxpayer is claiming the credit. These determinations and calculations shall be made for the taxpayer's calendar year during which the

partnership made the purchase.

(2) Nothing in this section shall be construed to limit or disallow pass-through treatment of a pass-through entity's income, deductions, credits, or other amounts necessary to compute the tax imposed by section 5733.06 of the Revised Code and the credits allowed by this chapter.

(I) In the case of a taxpayer having a related member or a group of taxpayers having a related member, the credit available under this section to the taxpayer or group of taxpayers shall be computed as if the taxpayer or all taxpayers of the group and all such related members were a consolidated, single taxpayer. The credit shall be allocated to such taxpayer or to such group of taxpayers in any amount elected for the taxable year by the taxpayer or group. Such election shall be revocable and amendable during the period described in division (B) of section 5733.12 of the Revised Code with respect to the tax imposed by section 5733.06 of the Revised Code and the period described in division (B) of section 5747.11 of the Revised Code with respect to the tax imposed by section 5747.02 of the Revised Code. Nothing in this section shall be construed to treat as a purchase the acquisition of new manufacturing machinery and equipment if such purchase would not qualify as a purchase of new manufacturing machinery and equipment without regard to the consolidation requirement set forth in this section.

Sec. 5733.351. (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B) A nonrefundable credit is allowed against the tax imposed by section 5733.06 of the Revised Code for each tax year. The credit shall equal seven per cent of the excess of qualified research expenses incurred in this state by the taxpayer for the taxable year over the taxpayer's average annual qualified research expenses incurred in this state for the three preceding taxable years. The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. Any credit amount in excess of the tax due under section 5733.06 of the Revised Code, after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, may be carried forward for seven taxable years, but the amount of the excess credit allowed in any such year shall be deducted from the balance carried forward to the next year.

(C) In the case of a qualifying CONTROLLED group, the credit allowed under this section to taxpayers in the qualifying controlled group shall be computed as if all corporations in the qualifying controlled group

were a consolidated, single taxpayer. the credit shall be allocated to such taxpayers in any amount elected for the taxable year by the qualifying CONTROLLED group. the election shall be revocable and amendable during the period prescribed by division (b) of section 5733.12 of the Revised Code.

Sec. 5733.39. (A) As used in this section:

(1) "Railroad company" means a railroad as defined in section 4907.02 of the Revised Code that is subject to the tax imposed by section 5733.06 of the Revised Code.

(2) "Active grade crossing warning device" means signs, signals, gates, or other protective devices erected or installed at a public highway-railway crossing at common grade and activated by an electrical circuit.

(3) "Annual maintenance expenditures" means expenditures made by a railroad company to maintain active grade crossing warning devices.

(B) There is hereby granted to railroad companies a credit against the tax imposed by section 5733.06 of the Revised Code for the maintenance of active grade crossing warning devices in this state. The credit shall equal ten per cent of the sum of the annual maintenance expenditures for each active grade crossing warning device for which such expenditures were made during the taxable year, not to exceed two hundred dollars for each device in this state for which such expenditures were made during the taxable year. The credit shall be claimed in the order prescribed by section 5733.98 of the Revised Code. The credit shall not exceed the amount of tax otherwise due under section 5733.06 of the Revised Code after deducting any other credits that precede the credit claimed under this section in that order.

(C) A railroad company claiming the credit under this section shall compile records of the annual maintenance expenditures for which the credit was claimed and shall keep those records for a period of four years following the end of the tax year for which the credit is claimed. The records shall be open to inspection to the tax commissioner upon the tax commissioner's request.

Sec. 5733.42. (A) As used in this section:

(1) "eligible Training program" means a program to provide job skills to eligible employees who are unable effectively to function on the job due to skill deficiencies or who would otherwise be displaced because of their skill deficiencies or inability to use new technology. Eligible training programs do not include executive, management, career development, or personal enrichment training programs.

(2) "Eligible employee" means an individual who is employed in this state by a taxpayer and has been so employed by the same taxpayer for at

least one hundred eighty consecutive days and on the same job for at least ninety consecutive days working at least twenty-four hours per week. "Eligible employee" does not include any employee for which a credit is claimed pursuant to division (A)(5) of section 5709.65 of the Revised Code for all or any part of the same year, or executive or managerial personnel except for the immediate supervisors of nonexecutive, nonmanagerial personnel.

(3) "Eligible training costs" means:

(a) Direct instructional costs, such as instructor salaries, materials and supplies, textbooks and manuals, videotapes, and other instructional media and training equipment used exclusively for the purpose of training eligible employees;

(b) Wages paid to eligible employees for time devoted exclusively to an eligible training program during normal paid working hours.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for taxpayers for which a tax credit certificate is issued under division (C) of this section. The credit shall be claimed for the tax year immediately following the calendar year in which the taxpayer pays or incurs the eligible training costs for which the credit is being claimed. The amount of the credit shall equal one-half of the excess of (1) eligible training costs paid or incurred during the calendar year immediately preceding the tax year for which the credit is claimed, over (2) the taxpayer's average annual eligible training costs for the three preceding calendar years. The credit allowed shall not exceed five hundred dollars times the number of eligible employees on account of whom eligible training costs were paid or incurred during the calendar year immediately preceding the tax year for which the credit is claimed, and shall not exceed the lesser of one hundred thousand dollars or one-half of the taxpayer's tax liability under section 5733.06 of the Revised Code for the preceding tax year.

(C) A taxpayer who proposes to conduct an eligible training program may apply to the director of job and family services for a tax credit certificate under this section. The taxpayer may apply for such a certificate for each tax year with respect to a calendar year in which the taxpayer paid or incurred eligible training costs, subject to division (l) of this section. The director shall prescribe the form of the application, which shall require a detailed description of the proposed training program. The director may require applicants to remit an application fee with each application filed with the director. the fee shall not exceed the reasonable and necessary expenses incurred by the director in receiving, reviewing, and approving

such applications and issuing tax credit certificates. Proceeds from fees shall be used solely for the purpose of receiving, reviewing, and approving such applications and issuing such certificates.

After receipt of an application, the director shall authorize a credit under this section by issuing a tax credit certificate, in the form PRESCRIBED by the director, if the director determines all of the following:

(1) The taxpayer's primary business activity falls within one of the following classifications in the standard industrial classification manual (1987) published by the United States office of management and budget in the executive office of the president:

(a) Division D	Manufacturing
(b) Division H	Finance, insurance, and real estate
(c) Major group 73	Business services
(d) Major group 81	Legal services
(e) Major group 87	Engineering, accounting, research, management, and related services

(2) The proposed training program is an eligible training program under this section;

(3) The proposed training program is economically sound and will benefit the people of this state by improving workforce skills and strengthening the economy of this state;

(4) Receiving the tax credit is a major factor in the taxpayer's decision to go forward with the training program;

(5) Authorization of the credit is consistent with division (H) of this section.

(D) If the director of job and family services determines that an authorized training program, as actually conducted, fails to meet the requirements of this section or to comply with any condition set forth in the authorization, the director may reduce the amount of the tax credit

previously granted. If the director reduces a tax credit, the director shall certify the reduction to the tax commissioner, and the tax commissioner shall reduce the credit that may be claimed by the taxpayer accordingly.

(E) Financial statements and other information submitted by an applicant to the director of job and family services for a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the director of job and family services or the tax commissioner may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credits allowed under this section.

(F) The director of job and family services, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons AND RANKING MINORITY MEMBERS of the standing committees in the senate and the house of representatives to which legislation on economic development matters are customarily referred.

(G) On or before the thirtieth day of September of 2001, 2002, 2003, and 2004, the director of job and family services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the number of training programs that were authorized under this section during the preceding calendar year, a description of each authorized training program, the dollar amounts of the credits granted, and an estimate of the impact of the credits on the economy of this state.

(H) The aggregate amount of credits authorized under the section shall not exceed twenty million dollars per calendar year. No more than ten million dollars in credits per calendar year shall be authorized for corporations engaged primarily in manufacturing. No less than five million dollars in credits per calendar year shall be set aside for corporations engaged primarily in activities other than manufacturing and having fewer than five hundred employees. Subject to such limits, credits shall be authorized for applicants meeting the requirements of this section in the order in which they submit complete and accurate applications.

(I) a nonrefundable credit allowed under this section shall be claimed in the order required under section 5733.98 of the Revised Code.

(J) the taxpayer may carry forward any credit amount in excess of its tax

due after allowing for any other credits that precede the credit under this section in the order required under SECTION 5733.98 of the Revised Code. The excess credit may be carried FORWARD for three years following the tax year for which it is claimed under this section.

(K) In the case of a qualifying CONTROLLED group, the credit allowed under this section to taxpayers in the qualifying controlled group shall be computed as if all corporations in the qualifying controlled group were a consolidated, single taxpayer. the credit shall be allocated to such taxpayers in any amount elected for the taxable year by the qualifying CONTROLLED group. the election shall be revocable and amendable during the period prescribed by division (b) of section 5733.12 of the Revised Code.

(L) The director of job and family services shall not authorize any credits under this section for eligible training costs paid or incurred after December 31, 2003.

Sec. 5733.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:

(1) The credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;

(2) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;

(3) The subsidiary corporation credit under section 5733.067 of the Revised Code;

(4) The savings and loan assessment credit under section 5733.063 of the Revised Code;

(5) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;

(6) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;

(7) The credit for employers that reimburse employee child day-care expenses under section 5733.38 of the Revised Code;

(8) The credit for maintaining railroad active grade crossing warning devices under section 5733.39 of the Revised Code;

(9) The credit for manufacturing investments under section 5733.061 of the Revised Code;

~~(9)~~(10) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;

~~(10)~~(11) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;

~~(11)~~(12) The job training credit under section 5733.42 of the Revised Code;

~~(12)~~(13) The credit for qualified research expenses under section 5733.351 of the Revised Code;

(14) The enterprise zone credit under section 5709.66 of the Revised Code;

~~(12)~~(15) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;

~~(13)~~(16) The credit for employers that establish on-site child day-care under section 5733.37 of the Revised Code;

~~(14)~~(17) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;

~~(15)~~(18) The export sales credit under section 5733.069 of the Revised Code;

~~(16)~~(19) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;

~~(17)~~(20) The enterprise zone credits under section 5709.65 of the Revised Code;

~~(18)~~(21) The refundable jobs creation credit under section 5733.0610 of the Revised Code.

(B) For any credit except the refundable jobs creation credit, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

Sec. 5739.31. (A)(1) No person shall engage in the business of selling at retail or sell at retail incidental to any other regularly conducted business without having a license therefor, as required by sections 5739.01 to 5739.31 of the Revised Code.

(2) No person shall engage in the business of selling at retail as a transient vendor, as defined in division (B) of section 5739.17 of the Revised Code, without first having obtained a license as required by that section.

(3) No person shall engage in the business of selling at retail as a limited vendor as defined in division (B) of section 5739.17 of the Revised Code, without first having a license as required by that section.

(B) No person shall continue to engage in the business of selling at retail or sell at retail incidental to any other regularly conducted business after the

license issued to that person pursuant to section 5739.17 of the Revised Code has been revoked under section 5739.19 of the Revised Code or while the license is suspended by the tax commissioner under division (B)(2) of section 5739.30 of the Revised Code, nor shall any person obtain a new license from the county auditor or the tax commissioner while such revocation or suspension is in effect. If a corporation's license has been revoked or suspended, none of its officers, or employees having control or supervision of or charged with the responsibility of filing returns and making payments of tax due, shall obtain a license from the county auditor or the tax commissioner during the period of such revocation or suspension.

Sec. 5741.02. (A) For the use of the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption in this state of tangible personal property or the benefit realized in this state of any service provided. The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.

(B) Each consumer, storing, using, or otherwise consuming in this state tangible personal property or realizing in this state the benefit of any service provided, shall be liable for the tax, and such liability shall not be extinguished until the tax has been paid to this state; provided, that the consumer shall be relieved from further liability for the tax if the tax has been paid to a seller in accordance with section 5741.04 of the Revised Code or prepaid by the seller in accordance with section 5741.06 of the Revised Code.

(C) The tax does not apply to the storage, use, or consumption in this state of the following described tangible personal property or services, nor to the storage, use, or consumption or benefit in this state of tangible personal property or services purchased under the following described circumstances:

(1) When the sale of property or service in this state is subject to the excise tax imposed by sections 5739.01 to 5739.31 of the Revised Code, provided said tax has been paid;

(2) Except as provided in division (D) of this section, tangible personal property or services, the acquisition of which, if made in Ohio, would be a sale not subject to the tax imposed by sections 5739.01 to 5739.31 of the Revised Code;

(3) Property or services, the storage, use, or other consumption of or benefit from which this state is prohibited from taxing by the Constitution of the United States, laws of the United States, or the Constitution of this state. This exemption shall not exempt from the application of the tax imposed by this section the storage, use, or consumption of tangible personal property

at was purchased in interstate commerce, but that has come to rest in this state, provided that fuel to be used or transported in carrying on interstate commerce that is stopped within this state pending transfer from one conveyance to another is exempt from the excise tax imposed by this section and section 5739.02 of the Revised Code;

(4) Transient use of tangible personal property in this state by a nonresident tourist or vacationer, or a non-business use within this state by a nonresident of this state, if the property so used was purchased outside this state for use outside this state and is not required to be registered or licensed under the laws of this state;

(5) Tangible personal property or services rendered upon which taxes have been paid to another jurisdiction to the extent of the amount of the tax paid to such other jurisdiction. Where the amount of the tax imposed by this section and imposed pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code exceeds the amount paid to another jurisdiction, the difference shall be allocated between the tax imposed by this section and any tax imposed by a county or a transit authority pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion to the respective rates of such taxes.

As used in this subdivision, "taxes paid to another jurisdiction" means the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E)(1) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.

(E) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby

levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

Sec. 5743.08. Whenever the tax commissioner discovers any cigarettes, subject to the taxes levied under section 5743.02, 5743.023, 5743.024, or 5743.026 of the Revised Code, and upon which the taxes have not been paid, the commissioner may seize and take possession of such cigarettes, which shall thereupon be forfeited to the state, and the commissioner may within a reasonable time thereafter~~, by a notice posted upon the premises where such seizure is made, or by publication in some newspaper having circulation in the county in which such seizure is made, at least five days before the day of the sale,~~ sell ~~such~~ the forfeited cigarettes~~, and from~~. From the proceeds of ~~such~~ the sale, the tax commissioner shall ~~collect the taxes due thereon, together with a penalty of one hundred per cent and~~ pay the costs incurred in such proceedings, and ~~pay the balance to the person in whose possession such forfeited cigarettes were found~~ any proceeds remaining after the costs are paid shall be considered as revenue arising from the tax; provided that ~~such~~ the seizure and sale shall not be deemed to relieve any person from the fine or imprisonment provided for violation of sections 5743.01 to 5743.20 of the Revised Code. ~~Such~~ The sale shall be made ~~in the county~~ where it is most convenient and economical. ~~Except to the extent that any county or convention facilities authority tax was owed on such cigarettes, money collected under this section shall be paid into the state treasury. If any county or convention facilities authority tax was owed on such cigarettes, an amount equal to the amount of the county or convention facilities authority tax owed shall be paid to the county or convention facilities authority levying the tax.~~ The tax commissioner may order the destruction of the forfeited cigarettes if the quantity or quality of the cigarettes is not sufficient to warrant their sale.

Sec. 5743.14. (A) The tax commissioner may inspect any place where cigarettes subject to the tax levied under section 5743.02, 5743.023, 5743.024, or 5743.026 of the Revised Code are sold or stored.

(B) No person shall prevent or hinder the tax commissioner from making a full inspection of any place where cigarettes subject to the tax levied under section 5743.02, 5743.023, 5743.024, or 5743.026 of the Revised Code are sold or stored, or prevent or hinder the full inspection of invoices, books, records, or papers required to be kept by sections 5743.01 to 5743.20 of the Revised Code.

Sec. 5743.55. Whenever the tax commissioner discovers any tobacco products, subject to the tax levied under section 5743.51, 5743.62, or

5743.63 of the Revised Code, and upon which the tax has not been paid or the commissioner has reason to believe the tax is being avoided, the commissioner may seize and take possession of the tobacco products, which, upon seizure, shall be forfeited to the state. Within a reasonable time after seizure, the commissioner may sell the forfeited tobacco products~~, by a notice posted upon the premises where the seizure is made or by publication in a newspaper of general circulation in the county in which this seizure is made at least five days before the day of the sale. The~~. From the proceeds ~~from~~ of this sale, the tax commissioner shall pay the costs incurred in the seizure and sale, and any proceeds remaining after the sale shall be considered as revenue arising from the tax. The seizure and sale shall not relieve any person from the fine or imprisonment provided for violation of sections 5743.51 to 5743.66 of the Revised Code. The commissioner shall make the sale ~~in the county~~ where it is most convenient and economical, but may order the destruction of the forfeited tobacco products if the quantity or quality of tobacco products is not sufficient to warrant their sale.

Sec. 5743.59. (A) No retail dealer of tobacco products shall have in ~~his~~ the retail dealer's possession tobacco products on which the tax imposed by section 5743.51 of the Revised Code has not been paid, unless the retail dealer is licensed under section 5743.61 of the Revised Code. Payment may be evidenced by invoices from distributors stating the tax has been paid.

(B) The tax commissioner may inspect any place where tobacco products subject to the tax levied under section 5743.51 of the Revised Code are sold or stored.

(C) No person shall prevent or hinder the tax commissioner from making a full inspection of any place where tobacco products subject to the tax imposed by section 5743.51 of the Revised Code are sold or stored, or prevent or hinder the full inspection of invoices, books, or records required to be kept by section 5743.54 of the Revised Code.

Sec. 5743.99. (A) Whoever violates section 5743.10, 5743.11, or 5743.12 or division (C) of section 5743.54 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fourth degree.

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a felony of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the second degree.

(C) Whoever violates section 5743.41 or 5743.42 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender has been

previously convicted of an offense under this division, violation is a misdemeanor of the third degree.

(D) Whoever violates section 5743.21 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fifth degree.

(E) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(F) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the registrar of motor vehicles shall suspend any driver's or commercial driver's license issued to the offender pursuant to the order and determination of the trial judge of any court of record as provided in section 4507.16 of the Revised Code.

Sec. 5747.11. (A) The tax commissioner shall refund to employers, qualifying entities, or taxpayers, with respect to any tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 5748. of the Revised Code:

(1) Overpayments of more than one dollar;

(2) Amounts in excess of one dollar paid illegally or erroneously;

(3) Amounts in excess of one dollar paid on an illegal, erroneous, or excessive assessment.

(B) Except as otherwise provided under divisions (D) and (E) of this section, applications for refund shall be filed with the tax commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (B)(3)(b) of section 5747.05, division (B) of section 5747.10, division (A) of section 5747.13, or division (C) of section 5747.45 of the Revised Code.

On filing of the refund application, the commissioner shall determine the amount of refund due and certify such amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. Payment shall be made as provided in division (C) of section 117.45 of the Revised Code.

(C)(1) Interest shall be allowed and paid upon any illegal or erroneous assessment in excess of one dollar in respect of the tax imposed under section 5747.02 or Chapter 5748. of the Revised Code at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of the

payment of the illegal or erroneous assessment until the date the refund of such amount is paid. If such refund results from the filing of a return or report, or the payment accompanying such return or report, by an employer or taxpayer, rather than from an assessment by the commissioner, such interest shall run from a period ninety days after the final filing date of the annual return until the date the refund is paid.

(2) Interest shall be allowed and paid at the rate per annum prescribed by section 5703.47 of the Revised Code upon any overpayment in excess of one dollar in respect of the tax imposed under section 5747.02 or Chapter 5748. of the Revised Code from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within ninety days after the final filing date of the annual return or ninety days after the return is filed, whichever is later, no interest shall be allowed on such overpayment. If the overpayment results from the carryback of a net operating loss or net capital loss to a previous taxable year, the overpayment is deemed not to have been made prior to the filing date, including any extension thereof, for the taxable year in which the net operating loss or net capital loss arises. For purposes of the payment of interest on overpayments, no amount of tax, for any taxable year, shall be treated as having been paid before the date on which the tax return for that year was due without regard to any extension of time for filing such return.

(3) Interest shall be allowed at the rate per annum prescribed by section 5703.47 of the Revised Code on amounts refunded with respect to the taxes imposed under sections 5733.41 and 5747.41 of the Revised Code. The interest shall run from whichever of the following days is the latest until the day the refund is paid: the day the illegal, erroneous, or excessive payment was made; the ninetieth day after the final day the annual report was required to be filed under section 5747.42 of the Revised Code; or the ninetieth day after the day that report was filed.

(D) "Ninety days" shall be substituted for "four years" in division (B) of this section if the taxpayer satisfies both of the following conditions:

(1) The taxpayer has applied for a refund based in whole or in part upon section 5747.059 of the Revised Code;

(2) The taxpayer asserts that either the imposition or collection of the tax imposed or charged by this chapter or any portion of such tax violates the Constitution of the United States or the Constitution of Ohio.

(E)(1) Division (E)(2) of this section applies only if all of the following conditions are satisfied:

(a) A qualifying entity pays an amount of the tax imposed by section 5733.41 or 5747.41 of the Revised Code;

(b) The taxpayer is a qualifying investor as to that qualifying entity;

(c) The taxpayer did not claim the credit provided for in section 5747.059 of the Revised Code as to the tax described in division (E)(1)(a) of this section;

(d) The four-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit.

(2) A taxpayer shall file an application for refund pursuant to division (E) of this section within one year after the date the payment described in division (E)(1)(a) of this section is made. An application filed under division (E)(2) of this section shall claim refund only of overpayments resulting from the taxpayer's failure to claim the credit described in division (E)(1)(c) of this section. Nothing in division (E) of this section shall be construed to relieve a taxpayer from complying with division (A)(16) of section 5747.01 of the Revised Code.

Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer and shall be:

(1) Seven cents per ton of coal;

(2) Four cents per ton of salt;

(3) Two cents per ton of limestone or dolomite;

(4) Two cents per ton of sand and gravel;

(5) Ten cents per barrel of oil;

(6) Two and one-half cents per thousand cubic feet of natural gas;

(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite.

(B) Of the moneys received by the treasurer of state from the tax levied in division (A)(1) of this section, six and three-tenths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, fourteen and two-tenths per cent shall be credited to the reclamation supplemental forfeiture fund created in division (B) of section 1513.18 of the Revised Code, fifty-seven and nine-tenths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and the remainder shall be credited to the unreclaimed lands fund created in section 1513.30 of the Revised Code. When, within ten days before or after the beginning of a fiscal year, the chief of the division of mines and reclamation finds that the

balance of the coal mining administration and reclamation reserve fund is below two million dollars, the chief shall certify that fact to the director of budget and management. Upon receipt of the chief's certification, the director shall direct the treasurer of state to instead credit to the coal mining administration and reclamation reserve fund during the fiscal year for which the certification is made the fourteen and two-tenths per cent of the moneys collected from the tax levied in division (A)(1) of this section and otherwise required by this division to be credited to the reclamation supplemental forfeiture fund.

Fifteen per cent of the moneys received by the treasurer of state from the tax levied in division (A)(2) of this section shall be credited to the geological mapping fund and the remainder shall be credited to the unreclaimed lands fund.

Of the moneys received by the treasurer of state from the tax levied in divisions (A)(3) and (4) of this section, seven and five-tenths per cent shall be credited to the geological mapping fund, forty-two and five-tenths per cent shall be credited to the unreclaimed lands fund, and the remainder shall be credited to the surface mining administration fund created in section 1514.11 of the Revised Code.

Of the moneys received by the treasurer of state from the tax levied in divisions (A)(5) and (6) of this section, ~~twenty~~ ninety per cent shall be credited to the oil and gas well ~~plugging~~ fund created in section ~~1509.071~~ 1509.02 of the Revised Code~~,~~ and ten per cent shall be credited to the geological mapping fund~~, and seventy per cent shall be credited to the oil and gas permit fund created in section 1509.02 of the Revised Code~~ All of the moneys received by the treasurer of state from the tax levied in division (A)(7) of this section shall be credited to the surface mining administration fund.

(C) For the purpose of paying the state's expenses for reclaiming mined lands that the operator failed to reclaim under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code, or under a surface mining permit issued under Chapter 1514. of the Revised Code, for which the operator's bond is not sufficient to pay the state's expense for reclamation, there is hereby levied an excise tax on the privilege of engaging in the severance of coal from the soil or water of this state in addition to the taxes levied by divisions (A)(1) and (D) of this section. The tax shall be imposed at the rate of one cent per ton of coal. Moneys received by the treasurer of state from the tax levied under this division shall be credited to the reclamation supplemental forfeiture fund created in division (B) of section 1513.18 of the Revised Code.

(D) For the purpose of paying the state's expenses for reclaiming coal mined lands that the operator failed to reclaim in accordance with Chapter 1513. of the Revised Code under a coal mining and reclamation permit issued after April 10, 1972, but before September 1, 1981, for which the operator's bond is not sufficient to pay the state's expense for reclamation and paying the expenses for administering the state's coal mining and reclamation regulatory program, there is hereby levied an excise tax on the privilege of engaging in the severance of coal from the soil or water of this state in addition to the taxes levied by divisions (A)(1) and (C) of this section. The tax shall be imposed at the rate of one cent per ton of coal as prescribed in this division. Moneys received by the treasurer of state from the tax levied by this division shall be credited to the reclamation supplemental forfeiture fund created in division (B) of section 1513.18 of the Revised Code.

When, at the close of any fiscal year, the chief finds that the balance of the reclamation supplemental forfeiture fund, plus estimated transfers to it from the coal mining and reclamation reserve fund under section 1513.181 of the Revised Code, plus the estimated revenues from the tax levied by this division for the remainder of the calendar year that includes the close of the fiscal year, are sufficient to complete the reclamation of such lands, the purposes for which the tax under this division is levied shall be deemed accomplished at the end of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify those findings to the tax commissioner, and the tax shall cease to be imposed after the last day of that calendar year.

(E) On the day fixed for the payment of the severance taxes required to be paid by this section, the taxes with any penalties or interest on them shall become a lien on all property of the taxpayer in this state whether the property is employed by the taxpayer in the prosecution of its business or is in the hands of an assignee, trustee, or receiver for the benefit of creditors or stockholders. The lien shall continue until the taxes and any penalties or interest thereon are paid.

Upon failure of the taxpayer to pay a tax on the day fixed for payment, the tax commissioner may file, for which no filing fee shall be charged, in the office of the county recorder in each county in this state in which the taxpayer owns or has a beneficial interest in real estate, notice of the lien containing a brief description of the real estate. The lien shall not be valid as against any mortgagee, purchaser, or judgment creditor whose rights have attached prior to the time the notice is filed in the county in which the real estate that is the subject of the mortgage, purchase, or judgment lien is

located. The notice shall be recorded in a book kept by the recorder called the "severance tax lien record" and indexed under the name of the taxpayer charged with the tax. When the tax has been paid, the tax commissioner shall furnish to the taxpayer an acknowledgement of payment, which the taxpayer may record with the recorder of each county in which notice of the lien has been filed.

Sec. 5907.11. (A) The superintendent of the Ohio veterans' home, with the approval of the board of trustees of the ~~Ohio veterans'~~ home, may establish a local fund to be used for the entertainment and welfare of the residents of the ~~Ohio veterans'~~ home. The fund shall be designated as the ~~home improvement~~ residents' benefit fund and shall be operated for the exclusive benefit of the residents of the ~~Ohio veterans'~~ home. The fund shall receive all revenue from the sale of commissary items and shall receive all moneys received as donations from any source.

(B) The residents' benefit fund also may be used to receive and disburse any donations made for events sponsored by the Ohio veterans hall of fame.

(C) The superintendent, subject to the approval of the board of trustees, shall establish rules for the operation of the ~~home improvement~~ residents' benefit fund.

Sec. 5907.13. Residents of the Ohio veterans' home may be assessed a fee to pay a portion of the expenses of their support, dependent upon their ability to pay. Subject to controlling board approval, the board of trustees of the ~~Ohio veterans'~~ home shall adopt rules for determining a resident's ability to pay. Each resident shall furnish the board of trustees ~~such~~ statements of income, assets, debts, and expenses ~~as~~ that the board requires. ~~All~~

All fees contributed by the residents under this section shall be deposited into an interest-bearing account in a public depository in accordance with section 135.18 of the Revised Code. All ~~such~~ of these fees shall be paid to the treasurer of state within thirty days after the end of the month of receipt, together with all interest credited to the account to date. The treasurer of state shall credit eighty per cent of these fees and of this interest to the Ohio veterans' home operating fund and twenty per cent of these fees and of this interest to the Ohio veterans' home fund. ~~The~~

The fee for each resident shall be based upon the level of care ~~received for domiciliary or nursing home services~~ provided to the resident by the home. The board of trustees shall determine authorized levels of care for residents. The assessment for each resident shall not exceed the difference between the total per diem amount collected by the state for maintenance from all sources on the resident's behalf and the average annual per diem cost for the resident's maintenance, computed in accordance with veterans

administration regulations.

Sec. 5907.141. (A) All money received from the United States department of veterans affairs in per diem grants for ~~state home domiciliary and nursing home~~ care that the Ohio veterans' home provides shall be deposited in the state treasury to the credit of the Ohio veterans' home federal grant fund, which is hereby created. Money credited to the fund shall be used only for the operating costs of the Ohio veterans' home.

(B) Any resident of the Ohio veterans' home whom the United States department of veterans affairs determines to have excess income or assets, therefore rendering the home ineligible to collect per diem grant reimbursement for days of care provided to that resident, is required to pay, in addition to the fees assessed under section 5907.13 of the Revised Code, an amount equal to the rate of per diem grant that the department denied for that particular resident. Any amount that the resident pays under this division shall be collected and distributed in the same manner as the fees assessed under section 5907.13 of the Revised Code.

Sec. 5907.15. There is hereby created in the state treasury the Ohio ~~veterans~~ veterans' home rental ~~and~~, service ~~revenue~~, and medicare reimbursement fund. Revenue generated from temporary use agreements of the home, from the sale of meals at the home's dining halls, ~~and~~ from rental, lease, or sharing agreements for the use of facilities, supplies, equipment, utilities, or services provided by the home, and from medicare reimbursements shall be credited to the fund. The fund shall be used only for maintenance costs of the home and for the purchase of medications, medical supplies, and medical equipment by the home.

Sec. 6109.01. As used in this chapter:

(A) "Public water system" means a system for the provision to the public of ~~piped~~ water for human consumption through pipes or other constructed conveyances if the system has at least fifteen service connections or regularly serves at least twenty-five individuals. "Public water system" includes any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system, any collection or pretreatment storage facilities not under such control that are used primarily in connection with the system, and any water supply system serving an agricultural labor camp as defined in section 3733.41 of the Revised Code.

(B) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(C) "Person" means the state, any political subdivision, agency, institution, or instrumentality thereof, any federal agency, and any person as

defined in section 1.59 of the Revised Code.

(D) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C. 300(f), and regulations adopted under those acts.

(E) "Community water system" means a public water system that has at least fifteen service connections used by year-round residents or that regularly serves at least twenty-five year-round residents.

(F) "Small system" means a public water system serving a population of ten thousand or fewer individuals.

(G) "Technical assistance" means nonfinancial assistance provided by the state to public water systems and other eligible applicants, including, without limitation, assistance for planning and design, development, and implementation of source water quality protection programs; locating alternative supplies of drinking water; operational training; restructuring or consolidation of small systems; providing treatment information in order to assist compliance with a national primary drinking water standard; and other nonfinancial assistance authorized by the requirements governing the funds established under this chapter.

(H) "Disadvantaged community" means the service area or portion of a service area of a public water system that meets affordability and other criteria established by the director of environmental protection in rules adopted under division (M) of section 6109.22 of the Revised Code and may include the service area or portion of a service area of a public water system located in a distressed area as defined in section 122.19 of the Revised Code.

(I) "Director of environmental protection" or "director" includes an authorized representative of the director.

(J) "Federal Water Pollution Control Act" has the same meaning as in section 6111.01 of the Revised Code.

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) of this section, on and after January 1, 1994, no person shall operate or maintain a public water system in this state without a license issued by the director of environmental protection. A person who operates or maintains a public water system on January 1, 1994, shall obtain an initial license under this section in accordance with the following schedule:

(1) If the public water system is a community water system, not later than January 31, 1994;

(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;

(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2000~~ 2002, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the public water system

was not operated in substantial compliance with this chapter and rules adopted under it. The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code governing such suspensions and revocations.

(D)(1) As used in division (D) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.

(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families. A church that, on or before ~~the effective date of this amendment~~ March 5, 1996, has obtained a license under this section for such a public water system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school.

Sec. 6119.10. The board of trustees of a regional water and sewer district or any officer or employee designated by ~~such~~ the board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ~~ten~~ fifteen thousand dollars. When an expenditure, other than for the acquisition of real estate and interests in real estate, the discharge of noncontractual claims, personal services, the joint use of facilities or the exercise of powers with other political subdivisions, or ~~for~~ the product or services of public utilities, exceeds ~~ten~~ fifteen thousand dollars, ~~such~~ the expenditures shall be made only after a notice calling for bids has been published not less than two consecutive weeks in at least one newspaper having a general circulation within the district. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board may let the contract to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a regional water and sewer district was established, the board of trustees of the regional water and sewer district may let the contract to the lowest or best bidder who gives a good and approved bond with ample security conditioned on the carrying out of the contract. ~~Such~~ The contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, approved by the board. The plans and

specifications shall at all times be made and considered part of the contract. The contract shall be approved by the board and signed by its president or other duly authorized officer and by the contractor. In case of a real and present emergency, the board of trustees of the district ~~may~~, by two-thirds vote of all members, may authorize the president or other duly authorized officer to enter into a contract for work to be done or for the purchase of supplies or materials without formal bidding or advertising. All contracts shall have attached the certificate required by section 5705.41 of the Revised Code duly executed by the secretary of the board of trustees of the district. The district may make improvements by force account or direct labor, provided that, if the estimated cost of supplies or material for any such improvement exceeds ~~ten~~ fifteen thousand dollars, bids shall be received as provided in this section. For the purposes of the competitive bidding requirements of this section, the board shall not sever a contract for supplies or materials and labor into separate contracts for labor, supplies, or materials if ~~such~~ the contracts are in fact a part of a single contract required to be bid competitively under this section.

SECTION 2. That existing sections 9.06, 9.07, 102.02, 103.143, 103.71,109.081, 111.18, 117.14, 117.44, 117.45, 118.01, 118.05, 118.08, 120.04, 120.06, 120.18, 120.28, 120.33, 121.05, 121,11, 121.24, 121.371, 122.011, 122.05, 122.15, 122.152, 122.71, 122.92, 124.04, 124.07, 124.181, 125.023, 125.04, 125.111, 125.15, 125.28, 126.12, 126.21, 126.25, 126.31, 126.32, 127.16, 129.55, 129.63, 129.73, 131.01, 133.20, 135.63, 149.30, 166.03, 166.05, 169.02, 169.03, 169.09, 173.35, 181.52, 307.851, 307.86, 307.98, 311.01, 329.04, 329.06, 329.12, 340.03, 341.011, 718.01, 742.63, 753.19, 901.41, 901.62, 901.63, 924.51, 1101.15, 1107.15, 1109.23, 1151.07, 1151.201, 1155.07, 1155.10, 1155.13, 1161.09, 1161.38, 1163.09, 1163.13, 1163.16, 1181.06, 1301.01, 1309.401, 1317.07, 1321.57, 1322.02, 1322.10, 1501.01, 1507.01, 1507.12, 1509.02, 1509.071, 1513.30, 1515.091, 1521.04, 1547.67, 1547.68, 1547.72, 1555.12, 2108.15, 2305.232, 2941.51, 2949.17, 2949.19, 2949.20, 2949.201, 3109.13, 3109.14, 3109.15, 3109.16, 3109.17, 3109.18, 3301.68, 3375.90, 3383.08, 3501.18, 3501.21, 3517.152, 3701.04, 3701.262, 3701.89, 3702.52, 3702.57, 3702.58, 3702.68, 3705.24, 3721.31, 3721.33, 3722.01, 3722.011, 3722.10, 3722.15, 3722.16, 3722.17, 3734.02, 3734.05, 3734.06, 3734.18, 3734.28, 3734.57, 3734.82, 3734.87, 3734.901, 3742.03, 3742.04, 3742.05, 3742.08, 3742.19, 3745.11, 3748.07, 3748.13, 3750.02, 3753.03, 3753.05, 3769.20, 3793.08, 3793.10, 3793.12, 3901.02, 4105.17, 4112.12, 4115.34, 4163.07, 4301.10, 4301.30, 4301.334, 4301.43, 4301.62, 4303.07, 4303.10, 4303.181, 4303.182, 4303.30, 4303.35,

4399.12, 4501.27, 4511.191, 4511.83, 4701.03, 4701.06, 4703.36, 4703.37, 4709.01, 4712.01, 4713.01, 4713.02, 4713.04, 4713.05, 4713.06, 4713.10, 4713.17, 4713.20, 4717.03, 4717.05, 4717.07, 4717.13, 4723.06, 4723.08, 4723.28, 4725.16, 4725.17, 4729.54, 4730.11, 4731.281, 4732.05, 4732.14, 4735.06, 4735.07, 4735.09, 4735.14, 4735.141, 4736.12, 4741.17, 4741.19, 4747.05, 4747.06, 4747.07, 4747.10, 4747.13, 4759.05, 4759.06, 4766.02, 4766.04, 4766.05, 4766.07, 4773.04, 4905.80, 4911.17, 4931.11, 4931.21, 4931.99, 4933.14, 4937.02, 4981.09, 5101.03, 5101.16, 5101.18, 5101.21, 5101.22, 5101.23, 5101.33, 5101.46, 5101.52, 5101.541, 5101.544, 5101.83, 5101.93, 5104.30, 5104.32, 5104.34, 5104.38, 5107.02, 5107.05, 5107.10, 5107.16, 5107.22, 5107.24, 5107.26, 5107.28, 5107.60, 5108.06, 5111.01, 5111.022, 5111.13, 5111.23, 5111.231, 5112.01, 5112.03, 5112.06, 5112.07, 5112.08, 5112.09, 5112.17, 5112.18, 5115.01, 5117.07, 5117.09, 5119.16, 5119.22, 5119.61, 5120.14, 5121.03, 5121.04, 5121.06, 5121.07, 5121.08, 5121.09, 5121.10, 5123.60, 5126.35, 5139.27, 5139.271, 5139.28, 5139.281, 5139.43, 5139.50, 5139.51, 5139.55, 5145.30, 5502.21, 5502.22, 5502.25, 5502.28, 5502.34, 5515.01, 5528.36, 5703.05, 5703.052, 5703.053, 5703.21, 5709.62, 5709.63, 5709.632, 5709.83, 5711.16, 5711.22, 5727.01, 5727.111, 5727.12, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.48, 5727.50, 5727.60, 5733.05, 5733.16, 5733.33, 5733.98, 5739.31, 5741.02, 5743.08, 5743.14, 5743.55, 5743.59, 5743.99, 5747.11, 5749.02, 5907.11, 5907.13, 5907.141, 5907.15, 6109.01, 6109.21, and 6119.10 and sections 117.16, 1155.131, 1163.17, 2108.021, 2151.55, 4113.14, 4931.01, 4931.03, 4931.08, 4931.20, 4931.23, 4931.24, 5107.77, 5111.172, and 5115.08 of the Revised Code are hereby repealed. That existing section 122.75 of the Revised Code as it results from Am. Sub. H.B. 117 of the 121st General Assembly is hereby repealed. That existing Section 4 of Sub. H.B. 167 of the 121st General Assembly, as amended by Sub. H.B. 710 of the 121st General Assembly and Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed. That section 122.75 of the Revised Code as it purportedly results from Am. Sub. H.B. 356 of the 121st General Assembly is hereby repealed.

SECTION 3. That Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, be amended to read as follows:

" Sec. 5. Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st General Assembly shall take effect July 1, ~~1999~~ 2001."

SECTION 4. That existing Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed.

SECTION 5. Except as otherwise provided, all appropriation line items (ALI) in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund, which are not otherwise appropriated. For all appropriations made in this act, those amounts in the first column are for fiscal year 2000 and those amounts in the second column are for fiscal year 2001.

SECTION 6. ACC ACCOUNTANCY BOARD OF OHIO

FND	ALI	ALI TITLE	FY 2000	FY 2001
General Services Fund Group				
4J8	889-601	CPA Education Assistance	$ 200,000	$ 200,000
4K9	889-609	Operating Expenses	$ 818,726	$ 810,813
TOTAL GSF General Services Fund Group			$ 1,018,726	$ 1,010,813
TOTAL ALL BUDGET FUND GROUPS			$ 1,018,726	$ 1,010,813

SECTION 7. PAY ACCRUED LEAVE LIABILITY

FND	ALI	ALI TITLE	FY 2000	FY 2001
Accrued Leave Liability Fund Group				
806	995-666	Accrued Leave Fund	$ 51,911,388	$ 58,703,605
807	995-667	Disability Fund	$ 33,111,113	$ 34,766,669
TOTAL ALF Accrued Leave Liability Fund Group			$ 85,022,501	$ 93,470,274
Agency Fund Group				
808	995-668	State Employee Health Benefit Fund	$ 125,908,931	$ 133,973,454
809	995-669	Dependent Care Spending Account	$ 2,579,750	$ 2,773,231
810	995-670	Life Insurance Investment Fund	$ 2,259,874	$ 2,372,867
811	995-671	Parental Leave Benefit Fund	$ 4,149,522	$ 5,186,902
TOTAL AGY Agency Fund Group			$ 134,898,077	$ 144,306,454
TOTAL ALL BUDGET FUND GROUPS			$ 219,920,578	$ 237,776,728

Accrued Leave Liability Fund

The foregoing appropriation item 995-666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 806), pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are

necessary, the amounts are hereby appropriated.

State Employee Disability Leave Benefit Fund

The foregoing appropriation item 995-667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

State Employee Health Benefit Fund

The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Dependent Care Spending Account

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Life Insurance Investment Fund

The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Parental Leave Benefit Fund

The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

SECTION 8. ADJ ADJUTANT GENERAL

General Revenue Fund

GRF 745-401	Ohio Military Reserve	$ 16,512	$ 16,909
GRF 745-403	Armory Deferred Maintenance	$ 800,000	$ 800,000
GRF 745-404	Air National Guard	$ 1,866,065	$ 1,888,204
GRF 745-409	Central Administration	$ 3,910,435	$ 3,898,936

GRF	745-499	Army National Guard	$	3,964,744	$	3,936,284
GRF	745-502	Ohio National Guard Unit Fund	$	118,086	$	121,392
TOTAL GRF General Revenue Fund			$	10,675,842	$	10,661,725
General Services Fund Group						
534	745-612	Armory Improvements	$	511,500	$	523,776
536	745-620	Camp Perry Clubhouse and Rental	$	996,340	$	1,008,771
537	745-604	ONG Maintenance	$	205,163	$	209,847
TOTAL GSF General Services Fund Group			$	1,713,003	$	1,742,394
Federal Special Revenue Fund Group						
3E8	745-628	Air National Guard Operations and Maintenance Agreement	$	11,180,302	$	11,249,798
3R8	745-603	Counter Drug Operations	$	100,000	$	100,000
3S0	745-602	Higher Ground Training	$	35,000	$	35,000
341	745-615	Air National Guard Base Security	$	2,008,925	$	1,992,760
342	745-616	Army National Guard Service Agreement	$	4,370,403	$	4,439,930
343	745-619	Army National Guard Training Site Agreement	$	2,734,477	$	2,781,245
TOTAL FED Federal Special Revenue Fund Group			$	20,429,107	$	20,598,733
State Special Revenue Fund Group						
528	745-605	Marksmanship Activities	$	61,600	$	63,078
TOTAL SSR State Special Revenue Fund Group			$	61,600	$	63,078
TOTAL ALL BUDGET FUND GROUPS			$	32,879,552	$	33,065,930

Armory Deferred Maintenance

Of the foregoing appropriation item 745-403, Armory Deferred Maintenance, all disbursements shall be made based on a spending plan approved by the Director of Budget and Management.

Marksmanship Activities

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Marksmanship Program (Fund 340) to Marksmanship Activities (Fund 528), and Fund 340 is hereby abolished. The director shall cancel any existing encumbrances against appropriation item 745-614, Marksmanship Program (Fund 340), and reestablish them against appropriation item 745-605, Marksmanship Activities (Fund 528). The amounts of the reestablished encumbrances are hereby appropriated.

SECTION 9. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund

GRF	100-402	Unemployment Compensation	$ 130,591	$ 134,069
GRF	100-405	Agency Audit Expenses	$ 672,767	$ 770,956
GRF	100-406	County & University Human Resources Services	$ 1,263,419	$ 1,244,851
GRF	100-409	Departmental Information Services	$ 1,518,558	$ 1,489,757
GRF	100-410	Veterans' Records Conversion	$ 500,000	$ 500,000
GRF	100-414	Ohio Geographically Referenced Information Program	$ 642,224	$ 659,227
GRF	100-416	Strategic Technology Development Programs	$ 4,293,290	$ 4,438,593
GRF	100-417	MARCS	$ 5,987,000	$ 5,987,000
GRF	100-419	Ohio SONET	$ 4,800,549	$ 4,883,574
GRF	100-420	Innovation Ohio	$ 150,000	$ 150,000
GRF	100-433	State of Ohio Computer Center	$ 5,090,081	$ 5,204,349
GRF	100-439	Equal Opportunity Certification Programs	$ 730,719	$ 742,501
GRF	100-447	OBA - Building Rent Payments	$ 89,400,000	$ 97,335,000
GRF	100-448	OBA - Building Operating Payments	$ 25,498,000	$ 25,498,000
GRF	100-449	DAS - Building Operating Payments	$ 6,212,392	$ 5,620,548
GRF	100-451	Minority Affairs	$ 876,551	$ 878,910
GRF	100-734	Major Maintenance	$ 77,000	$ 77,000
GRF	102-321	Construction Compliance	$ 1,291,392	$ 1,289,131
GRF	130-321	State Agency Support Services	$ 3,938,112	$ 3,994,685
TOTAL GRF General Revenue Fund			$ 153,072,645	$ 160,898,151

General Services Fund Group

112	100-616	Director's Office	$ 4,903,020	$ 4,929,766
115	100-632	Central Service Agency	$ 389,317	$ 398,151
117	100-644	General Services Division - Operating	$ 6,152,252	$ 5,836,960
122	100-637	Fleet Management	$ 1,483,589	$ 1,503,491
125	100-622	Human Resources Division - Operating	$ 21,101,973	$ 19,484,369
127	100-627	Vehicle Liability Insurance	$ 4,160,053	$ 4,276,001
128	100-620	Collective Bargaining	$ 3,148,816	$ 3,242,007
130	100-606	Risk Management Reserve	$ 109,611	$ 112,497
131	100-639	State Architect's Office	$ 6,154,743	$ 6,066,535
132	100-631	DAS Building Management	$ 10,584,283	$ 10,327,827
188	100-649	Equal Opportunity Programs	$ 2,194,260	$ 2,228,255
201	100-653	General Services Resale Merchandise	$ 1,978,768	$ 2,034,174
210	100-612	State Printing	$ 6,157,561	$ 6,322,592
4H2	100-604	Governor's Residence Gift	$ 21,622	$ 22,141
4P3	100-603	Departmental MIS Services	$ 6,493,349	$ 7,312,130
427	100-602	Investment Recovery	$ 3,316,348	$ 3,407,947
5C3	100-608	Skilled Trades	$ 2,321,847	$ 2,382,527
TOTAL GSF General Services Fund Group			$ 80,671,412	$ 79,887,370

Federal Special Revenue Fund Group				
307	100-633	Federal Special Revenue	$ 183,000	$ 79,000
TOTAL FED Federal Special Revenue Fund Group			$ 183,000	$ 79,000
State Special Revenue Fund Group				
5D7	100-621	Workforce Development	$ 12,000,000	$ 12,000,000
TOTAL SSR State Special Revenue Fund Group			$ 12,000,000	$ 12,000,000
Intragovernmental Service Fund Group				
133	100-607	Information Technology Fund	$ 84,187,514	$ 85,726,824
4N6	100-617	Major Computer Purchases	$ 19,016,469	$ 19,472,864
TOTAL ISF Intragovernmental Service Fund Group			$ 103,203,983	$ 105,199,688
Agency Fund Group				
113	100-628	Unemployment Compensation	$ 4,884,530	$ 5,128,757
124	100-629	Payroll Deductions	$ 1,785,000,000	$ 1,874,250,000
TOTAL AGY Agency Fund Group			$ 1,789,884,530	$ 1,879,378,757
Holding Account Redistribution Fund Group				
R08	100-646	General Services Refunds	$ 20,000	$ 20,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 20,000	$ 20,000
TOTAL ALL BUDGET FUND GROUPS			$ 2,139,035,570	$ 2,237,462,966

SECTION 9.01.

Agency Audit Expenses

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to $222,000 in fiscal year 2000 and up to $226,800 in fiscal year 2001 shall be used to subsidize the operations of the Central Service Agency. The Department of Administrative Services shall transfer cash from appropriation item 100-405, Agency Adult Expenses, to the Central Service Agency Fund (Fund 115) using an intrastate transfer voucher.

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to $30,000 in fiscal year 2000 and $30,000 in fiscal year 2001 shall be used for the Department of Administrative Services' GRF line item-related auditing expenses. The remainder of the appropriation shall be used for auditing expenses designated in division (A)(1) of section 117.13 of the Revised Code for those state agencies audited on a biennial basis.

Of the foregoing appropriation item 100-405, Agency Audit Expenses, $5,000 in each fiscal year shall be used for the Ohio Veterans' Children's Home Ex-Pupils Association.

Of the foregoing appropriation item 100-406, County & University Human Resources Services, the Director of Administrative Services shall transfer $10,795 in fiscal year 2000 to the Workforce Development Fund (Fund 5D7) to pay interest that should have accrued to the Workforce

Development Fund in fiscal year 1998. This transfer shall be made using an intrastate transfer voucher.

Veterans' Records Conversion

The office of Veterans Affairs within the Office of the Governor shall identify the Merchant Marines who served in the war zone in World War II.

Fidelity Bonding Programs

Pursuant to a written request by the Chief of the Division of Wildlife in the Department of Natural Resources, the self-insured blanket fidelity bonding program authorized by section 9.832 of the Revised Code shall revert to the Division of Wildlife effective July 1, 1999. Upon receipt of the chief's request, the Department of Administrative Services shall prepare a preliminary estimate of the amount of cash held on behalf of the Division of Wildlife that is not committed for costs incurred by or for the self-insured fidelity bonding program. The Director of Administrative Services shall certify such amount to the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall transfer the amount of cash certified by the Director of Administrative Services from the Risk Management Reserve Fund (Fund 130) to the Wildlife Fund created in section 1531.17 of the Revised Code. After transfer of the preliminary estimate of cash to the Wildlife Fund, the Department of Administrative Services shall reconcile fiscal year 1999 financial activity in the Risk Management Reserve Fund. The department shall determine the final amount of cash to be transferred between the Risk Management Reserve Fund and the Wildlife Fund. The Director of Budget and Management shall transfer the final amount certified to the Wildlife Fund or to the Risk Management Reserve Fund, as appropriate.

SECTION 9.02.

Ohio Building Authority

The foregoing appropriation item 100-447, OBA - Building Rent Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code, but limited to the aggregate amount of $186,735,000. The foregoing appropriation item 100-448, OBA - Building Operating Payments, shall be used to meet all payments at the times that they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code, but limited to the

aggregate amount of $50,996,000. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code.

The payments to the Ohio Building Authority are for the purpose of paying the expenses of agencies that occupy space in the various state facilities. The Department of Administrative Services may enter into leases and agreements with the Ohio Building Authority providing for the payment of such expenses. The Ohio Building Authority shall report to the Department of Administrative Services and the Office of Budget and Management not later than five months after the start of a fiscal year the actual expenses incurred by the Ohio Building Authority in operating such facilities and any balances remaining from payments and rentals received in the prior fiscal year. The Department of Administrative Services shall reduce subsequent payments by the amount of the balance reported to it by the Ohio Building Authority.

SECTION 9.03.

DAS - Building Operating Payments

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2000 and 2001.

Of the foregoing appropriation item 100-449, DAS - Building Operating Payments, up to $175,000 may be used to pay office relocation and office remodeling costs for the veterans organizations designated in section 123.024 of the Revised Code.

State Library and Ohioana Library Association Office Renovation Expenses

Of the foregoing appropriation item DAS - Building Operating Payment, 100- 449, $400,000 shall be used in fiscal year 2000 to fund the renovation of new office space for the State Library and the Ohioana Library Association.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of this appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. Such expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations.

Such payments shall be processed by the Department of Administrative Services through intrastate vouchers and placed in the Facilities

Management Fund (Fund 132).

SECTION 9.04.

Equal Opportunity Programs and Minority Affairs

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the Equal Opportunity Programs Fund (Fund 188). These charges shall be deposited to the credit of the Equal Opportunity Programs Fund (Fund 188) upon payment made by state agencies; state-supported or state-assisted institutions of higher education; and tax-supported agencies, municipal corporations, or other political subdivisions of the state, for services rendered.

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to $270,000 of the amounts held for transfer to the General Revenue Fund from Fund 427, Investment Recovery, to Fund 188, Equal Opportunity Programs Fund, no later than August 1, 1999. The cash transferred to the Equal Opportunity Programs Fund (Fund 188) shall be used to offset operating losses incurred by the Equal Opportunity Division.

The foregoing appropriation item 100-451, Minority Affairs, shall be used to establish minority affairs programs within the Equal Opportunity Division. The office shall provide an access point and official representation to multi-cultural communities; research and reports on multi-cultural issues; and educational, governmental, and other services that foster multi-cultural opportunities and understanding in the state of Ohio.

Minority Business Enterprise (MBE) Predicate Study

The Director of Administrative Services shall develop and direct a predicate study to determine whether there is significant evidence of past or present discrimination against minorities or women by the State of Ohio, either as an active or passive participant, in: (1) contracting for goods and services; (2) contracting for construction work; or (3) implementing economic development programs. The predicate study shall also determine whether there is a present need for remedial action to address any effects of present or past discrimination against minorities or women by the State of Ohio, and if so, whether such remedial action should go beyond race or gender neutral measures.

The General Assembly, Attorney General, and Department of Administrative Services shall establish a "Predicate Study Steering Committee" comprised of two majority members of the Senate, two

majority members of the House, two minority members of the Senate, two minority members of the House, the Attorney General or designee, the Director of Administrative Services, and three business owners who are either minorities or women selected by the Director of Administrative Services. The Predicate Study Steering Committee shall evaluate and submit recommendations to the Director of Administrative Services and to the General Assembly by October 31, 1999 if possible, but no later than December 31, 1999, regarding the nature, scope, methodology, applicable time frames, and type of expert needed for the predicate study. Factors relevant in determining the qualifications of an expert may include, but are not necessarily limited to, legal expertise, data collection analysis capability, policy development experience and knowledge of cultural studies.

Upon receipt of the recommendations from the Predicate Study Steering Committee, the Director of Administrative Services shall develop, implement, and direct the predicate study to achieve the state objectives. The development, implementation, and direction of the predicate study shall include the selection and engagement of any necessary qualified, responsible, and objective professional expertise. The Director of Administrative Services shall have available $750,000 each year of the biennium to develop, implement, and direct the predicate study, but any remaining money from the first year of the biennium may be carried over and spent in the second year of the biennium.

The results of the predicate study shall be submitted to the Director of Administrative Services, the Predicate Study Steering Committee, the Attorney General, and the General Assembly by June 30, 2001.

SECTION 9.05.

Central Service Agency Fund

In order to complete the migration of the licensing applications of the professional licensing boards to a local area network, the Director of Budget and Management may, at the request of the Director of Administrative Services, cancel related encumbrances in the Central Service Agency Fund (Fund 115) and reestablish these encumbrances in fiscal year 2000 for the same purpose and to the same vendor. The Director of Budget and Management shall reduce the appropriation balance in fiscal year 1999 by the amount of encumbrances canceled in Fund 115. As determined by the Director of Budget and Management, the appropriation authority necessary to reestablish such encumbrances or parts of encumbrances in fiscal year 2000 in the Central Service Agency Fund (Fund 115) is hereby appropriated.

The Director of Budget and Management may transfer up to $750,000 in fiscal year 2000 and up to $750,000 in fiscal year 2001 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to $300,000 in fiscal year 2000 and up to $300,000 in fiscal year 2001 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to install a local area network for the professional licensing boards, to improve processing of their licensing applications to this fiscal year 2001. Appropriation authority equal to the cash transfer is hereby appropriated to appropriation item 100-632, Central Service Agency.

SECTION 9.06.

Tuition Reimbursement

Of the foregoing appropriation item 100-622, Human Resources Division - Operating, $250,000 in fiscal year 2000 and $250,000 in fiscal year 2001 shall be set aside for the District 1199 Health Care Employees Tuition Reimbursement Program, per existing collective bargaining agreements. Of the foregoing appropriation item 100-622, Human Resources Division - Operating, $75,000 in fiscal year 2000 and $75,000 in fiscal year 2001 shall be set aside for the Ohio Education Association Tuition Reimbursement Program, per existing collective bargaining agreements. The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the District 1199 Health Care Employees Tuition Reimbursement Program and the Ohio Education Association Tuition Reimbursement Program. Receipts for these charges shall be deposited into the Human Resources Services Fund (Fund 125).

SECTION 9.07.

Collective Bargaining Arbitration Expenses

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the department incurs in the collective bargaining arbitration process. Such reimbursements shall be processed through intrastate transfer vouchers and placed in the Collective Bargaining Fund (Fund 128).

Workforce Development Fund

There is hereby established in the state treasury the Workforce Development Fund (Fund 5D7). The foregoing appropriation item 100-621, Workforce Development, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services, which may adopt rules with regard to the administration of the fund. The fund shall be used to pay the costs of the Workforce Development Program established by Article 37 of the contract between the State of Ohio and OCSEA/AFSCME, Local 11, effective March 1, 1997. The program shall be administered in accordance with the contract. Revenues shall accrue to the fund as specified in the contract. The fund may be used to pay direct and indirect costs of the program that are attributable to staff, consultants, and service providers. All income derived from the investment of the fund shall accrue to the fund.

If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

SECTION 9.08.

Payroll Withholding Fund

The foregoing appropriation item 100-629, Payroll Deductions, shall be used to make payments from the Payroll Withholding Fund (Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated.

SECTION 9.09.

General Services Charges

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs in the General Services Administration Fund (Fund 117) and the State Printing Fund (Fund 210).

SECTION 9.10.

Merchandise for Resale

The foregoing appropriation item 100-653, General Services Resale Merchandise, shall be used to account for merchandise for resale, which is administered by the General Services Division. Deposits to the fund may comprise the cost of merchandise for resale and shipping fees.

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to $150,000 cash from the General Services Resale Merchandise Fund (Fund 201) to the General Services Fund (Fund 117) during the 1999-2001 biennium. Appropriation item 100-644, General Services Division - Operating, shall be used to pay the costs of placing the forms distribution inventory on the internet.

SECTION 9.11.

Unemployment Compensation Fund

The foregoing appropriation item 100-628, Unemployment Compensation, shall be used to make payments from the Unemployment Compensation Fund (Fund 113), pursuant to section 4141.241 of the Revised Code. If it is determined that additional amounts are necessary, such amounts are hereby appropriated.

SECTION 9.12.

Governor's Residence Gift

The foregoing appropriation item 100-604, Governor's Residence Gift, shall be used to provide part or all of the funding related to construction, goods, or services for the Governor's residence. All receipts for this purpose shall be deposited into Fund 4H2.

SECTION 9.13.

Investment Recovery Fund

Of the foregoing appropriation item 100-602, Investment Recovery, up to $1,072,187 in fiscal year 2000 and up to $1,057,259 in fiscal year 2001 shall be used to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program pursuant to Chapter 125. of the Revised Code. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board pursuant to section 131.35 of the Revised Code.

Of the foregoing appropriation item 100-602, Investment Recovery, up to $2,249,340 in fiscal year 2000 and $2,355,742 in fiscal year 2001 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds pursuant to division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are

necessary for the transfer of such sale proceeds, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

Notwithstanding section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Federal Surplus Property Program created in sections 125.84 to 125.90 of the Revised Code.

SECTION 9.14.

Departmental MIS

The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of management information systems activities in the Department of Administrative Services. The Department of Administrative Services shall establish charges for recovering the costs of management information systems activities. These charges shall be deposited to the credit of the Departmental MIS Fund (Fund 4P3), which is hereby created.

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to $3,725,928 of fiscal year 2000 appropriations and up to $3,725,928 of fiscal year 2001 appropriations from appropriation item 100-603, Departmental MIS Services, to any Department of Administrative Services non-General Revenue Fund appropriation item. The appropriations transferred shall be used to make payments for management information systems services. Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to $654,383 of fiscal year 2000 appropriations and up to $683,844 of fiscal year 2001 appropriations from appropriation item 100-409, Departmental Information Services, to any Department of Administrative Services appropriation item in the General Revenue Fund. The appropriations transferred shall be used to make payments for management information systems services.

SECTION 9.15.

Telecommunications Fund

Notwithstanding any other provisions of law to the contrary, the Telecommunications Fund (Fund 123) created in section 125.15 of the Revised Code shall cease to exist, effective July 1, 1999. All assets, liabilities, revenues, and obligations associated with the Telecommunications Fund are hereby transferred to the Computer Services

Fund (Fund 133) on the effective date of this section.

SECTION 9.16.

Computer Equipment Purchases

The Director of Administrative Services shall compute the amount of revenue attributable to the amortization of all equipment purchases from appropriation items 100-607, Information Technology Fund; 100-617, Major Computer Purchases; and CAP-837, Major Equipment Purchases, which is recovered by the Department of Administrative Services as part of the rates charged by Fund 133, Information Technology Fund. The Director of Budget and Management may transfer this cash from Fund 133, Information Technology Fund, to Fund 4N6, Equipment Purchases.

SECTION 9.17.

Multi-Agency Radio Communication System Debt Service Payments

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to agencies supported by the motor fuel tax. Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100-447, OBA - Building Rent Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. The Director of Budget and Management shall transfer such amounts to the General Revenue Fund from the Highway Operating Fund (Fund 002) established in section 5735.281 of the Revised Code.

SECTION 9.18.

General Services Refunds

The foregoing appropriation item 100-646, General Services Refunds, shall be used to hold bid guarantee and building plans and specifications deposits until they are refunded. The Director of Administrative Services may request that the Director of Budget and Management transfer cash received for the costs of providing the building plans and specifications to contractors from the General Services Refund Fund to Fund 131, State

chitect's Office. Prior to the transfer of cash, the Director of Administrative Services shall certify that such amounts are in excess of amounts required for refunding deposits and are directly related to costs of producing building plans and specifications. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

SECTION 9.19.

Local Government Y2K Loan Program

In addition to its duties under Chapters 123., 124., and 125. of the Revised Code, the Department of Administrative Services shall assist the Department of Development with the implementation of

37.17 of this act, including but not limited to, the following activities:

(A) Within ten days after the effective date of this act, the Y2K Competency Center shall devise program application materials that include:

(1) General eligibility criteria;

(2) General application criteria; and

(3) An application form for the County Y2K Loan Program and for the Municipal and Township Y2K Loan Program, which shall be forwarded to the State and Local Government Commission for its official notification of the program's availability. At a minimum, each application shall include a detailed organizational plan for meeting Y2K compliance and a specific description of the project for which loan funds are being sought.

(B) Upon the receipt of applications for program assistance forwarded by the State and Local Government Commission, the Y2K Competency Center shall review each proposal that seeks program funding. To more accurately assess an application for assistance, the Y2K Competency Center may request additional information directly from the applicant as needed. However, the information submitted is the sole responsibility of the applicant, and the Y2K Competency Center has no liability for falsely submitted information.

As quickly as possible, but within a reasonable time period, the Y2K Competency Center shall notify the Department of Development and the State and Local Government Commission of its approval or disapproval of each application submitted for consideration. The Y2K Competency Center has the authority to approve or deny funding for all components of a proposal or portions thereof, as appropriate. In addition, the Y2K Competency Center may recommend that an applicant seek support and advice from a peer local government that has bridged a Y2K issue of

importance.

Recognizing that the Y2K Competency Center's primary purpose is to coordinate the state government's Y2K plan for compliance, the technical assistance rendered by the Y2K Competency Center for the Local Government Y2K Loan Program does not require site visits, inspections, or assessments of county or local government computer systems or operations.

This section expires on January 1, 2001.

SECTION 10. AAM COMMISSION ON AFRICAN AMERICAN MALES

General Revenue Fund

GRF	036-100	Personal Services	$	549,872	$ 563,069
GRF	036-200	Maintenance	$	119,750	$ 122,768
GRF	036-300	Equipment	$	6,000	$ 6,000
TOTAL GRF General Revenue Fund			$	675,622	$ 691,837

State Special Revenue Fund Group

4H3	036-601	Commission on African American Males - Gifts/Grants	$	210,000	$ 210,000
TOTAL SSR State Special Revenue Fund Group			$	210,000	$ 210,000
TOTAL ALL BUDGET FUND GROUP			$	885,622	$ 901,837

SECTION 11. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF	029-321	Operating Expenses	$	381,126	$ 381,126
TOTAL GRF General Revenue Fund			$	381,126	$ 381,126
TOTAL ALL BUDGET FUND GROUPS			$	381,126	$ 381,126

Operating

The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as the fiscal agent for the Joint Committee on Agency Rule Review.

SECTION 12. AGE DEPARTMENT OF AGING

General Revenue Fund

GRF	490-100	Personal Services	$	2,038,021	$ 2,010,528
GRF	490-200	Maintenance	$	898,667	$ 916,640
GRF	490-300	Equipment	$	16,633	$ 16,966
GRF	490-403	PASSPORT	$	56,400,000	$ 60,300,000
GRF	490-404	Eldercare	$	211,287	$ 155,200
GRF	490-408	STARS	$	2,037,000	$ 2,138,850

GRF	490-409	Americorps Operations	$	320,000	$	318,000
GRF	490-410	Long-Term Care Ombudsman	$	1,431,251	$	1,459,876
GRF	490-411	Senior Community Services	$	13,843,032	$	14,168,112
GRF	490-412	Residential State Supplement	$	12,000,000	$	13,600,000
GRF	490-414	Alzheimers Respite	$	3,027,217	$	4,527,217
GRF	490-418	Area Agency on Aging Region 9, Inc.	$	77,036	$	0
GRF	490-499	Senior Employment Program	$	15,504	$	15,892
GRF	490-504	Senior Facilities	$	366,354	$	375,146
GRF	490-506	Senior Volunteers	$	495,541	$	506,714
TOTAL GRF General Revenue Fund			$	93,177,543	$	100,509,141
General Services Fund Group						
480	490-606	Senior Citizens Services Special Events	$	347,422	$	355,760
TOTAL GSF General Services Fund Group			$	347,422	$	355,760
Federal Special Revenue Fund Group						
3C4	490-607	PASSPORT	$	115,382,758	$	125,869,741
3M3	490-611	Federal Aging Nutrition	$	23,487,872	$	25,010,161
3M4	490-612	Federal Supportive Services	$	16,806,644	$	18,537,855
3R7	490-617	Americorps Programs	$	6,116,058	$	6,408,865
322	490-618	Older Americans Support Services	$	11,054,648	$	11,946,028
TOTAL FED Federal Special Revenue Fund Group			$	172,847,980	$	187,772,650
State Special Revenue Fund Group						
4C4	490-609	Regional Long-Term Care Ombudsman Program	$	420,614	$	430,709
4H1	490-603	Aging Services	$	681,087	$	697,433
4J4	490-610	PASSPORT/Residential State Supplement	$	24,000,000	$	24,000,000
4U9	490-602	PASSPORT Fund	$	7,300,000	$	7,500,000
TOTAL SSR State Special Revenue Fund Group			$	32,401,701	$	32,628,142
TOTAL ALL BUDGET FUND GROUPS			$	298,774,646	$	321,265,693

SECTION 12.01.

Pre-Admission Review for Nursing Facility Admission

Pursuant to sections 5101.751 and 5101.754 of the Revised Code and an interagency agreement, the Department of Human Services shall designate the Department of Aging to perform assessments under sections 5101.75 and 5111.204 of the Revised Code. Of the foregoing appropriation item 490-403, PASSPORT, the Department of Aging may use not more than $2,200,000 in fiscal year 2000 and $2,332,000 in fiscal year 2001 to perform the assessments for persons not eligible for Medicaid in accordance with the department's interagency agreement with the Department of Human Services in fiscal year 2000 and with the Department of Job and Family Services in fiscal year 2001 and to assist individuals in planning for their

ng-term health care needs.

SECTION 12.02.

PASSPORT

Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may be used to assess clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules in accordance with section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility.

The Department of Aging shall administer the Medicaid Waiver funded PASSPORT Home Care program as delegated by the Department of Human Services in an interagency agreement. The foregoing appropriation items 490-403, PASSPORT, 490-603, Aging Services, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver funded PASSPORT Home Care program. Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT program.

The foregoing appropriation item 490-607, PASSPORT, shall be used to provide the federal matching share for all PASSPORT program costs determined by the Department of Human Services to be eligible for Medicaid reimbursement.

Eldercare Pilot

The foregoing appropriation item 490-404, Eldercare, shall be used to fund the existing eldercare service programs and shall be limited to providing services to those persons who are enrolled in these programs on the effective date of this section.

STARS

The STARS (Seniors Teaching and Reaching Students) program shall maintain at least one program in a rural district.

Senior Community Services

The foregoing appropriation item 490-411, Senior Community Services, shall be used for services designated by the Department of Aging including, but not limited to, home-delivered meals, transportation services, personal care services, respite services, home repair, and care coordination. The

Department of Aging may use up to $250,000 during each fiscal year for demonstration projects. Service priority shall be given to low income, frail, and cognitively impaired persons age 60 and over. The department shall promote cost sharing by service recipients for those services funded with block grant funds, including, where possible, sliding-fee scale payment systems based on the income of service recipients.

Of the foregoing appropriation item 490-411, Senior Community Services, $100,000 in each fiscal year shall be for the Visiting Nurses Association of Cleveland.

Of the foregoing appropriation item 490-411, Senior Community Services, $98,000 in each fiscal year shall be for the Parma Nutrition Program.

Of the foregoing appropriation item 490-411, Senior Community Services, $100,000 in each fiscal year shall be for the provision of transportation services for seniors by Jewish Federations around the state.

Alzheimers Respite

The foregoing appropriation item 490-414, Alzheimers Respite, shall be used only to fund Alzheimer's disease services under section 173.04 of the Revised Code.

Residential State Supplement

Of the foregoing appropriation item 490-412, Residential State Supplement, $1,600,000 in fiscal year 2001 shall be used to increase, by at least $48, both the monthly benefit payments to Residential State Supplement recipients and the allowable fee the Residential State Supplement recipient pays to the provider of the approved living arrangement.

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:

(A) $850 for a residential care facility, as defined in section 3721.01 of the Revised Code;

(B) $850 for an Adult Group Home, as defined in Chapter 3722. of the Revised Code;

(C) $750 for an Adult Foster Home, as defined in Chapter 173. of the Revised Code;

(D) $750 for an Adult Family Home, as defined in Chapter 3722. of the Revised Code;

(E) $750 for an Adult Community Alternative Home, as defined in Chapter 3724. of the Revised Code;

(F) $750 for an Adult Residential Facility, as defined in Chapter 5119.

of the Revised Code;

(G) $550 for Adult Community Mental Health Housing Services, as defined in division (B)(5) of section 173.35 of the Revised Code.

The Departments of Aging and Human Services shall reflect this amount in any applicable rules the departments adopt under section 173.35 of the Revised Code.

Effective July 1, 2000, the amounts $850, $750, and $550 shall be increased by at least $48 to reflect the $1,600,000 increase in funding for the Residential State Supplement program set aside in fiscal year 2001 in appropriation item 490-412.

Transfer of Residential State Supplement Appropriations

The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Human Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.

Long-Term Care Ombudsman

The foregoing appropriation item 490-410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities in nursing homes, adult care facilities, boarding homes, and home and community care services.

Senior Volunteers

Of the foregoing appropriation item 490-506, Senior Volunteers, in fiscal year 2000, $232,904 shall be for the Retired Senior Volunteer Program, $113,975 shall be for the Foster Grandparent Program, and $148,662 shall be for the Senior Companion Program. In fiscal year 2001, $238,156 shall be for the Retired Senior Volunteer Program, $116,544 shall be for the Foster Grandparent Program, and $152,014 shall be for the Senior Companion Program.

Regional Long-Term Care Ombudsman Programs

The foregoing appropriation item 490-609, Regional Long-Term Care Ombudsman Programs, shall be used solely to pay the costs of operating the regional long-term care ombudsman programs.

PASSPORT/Residential State Supplement

Of the foregoing appropriation item 490-610, PASSPORT/Residential State Supplement, up to $2,835,000 each fiscal year shall be used to fund the Residential State Supplement program. The remaining available funds shall be used to fund the PASSPORT program.

SECTION 12.03.

Residential State Supplement

If the Department of Aging, in consultation with the Director of Budget and Management, determines that available funding is insufficient to make payments to all eligible individuals, the department may establish priority policies to further limit eligibility criteria.

Transfer of Appropriations - Federal Aging Nutrition, Federal Supportive Services, and Older Americans Support Services

Upon written request of the Director of the Department of Aging, the Director of Budget and Management may transfer appropriation authority among line items 490-611, Federal Aging Nutrition, 490-612, Federal Supportive Services, and 490-618, Older Americans Support Services, in amounts not to exceed 30 per cent of the appropriation from which the transfer is made. The Department of Aging shall report such transfers to the Controlling Board at the next regularly scheduled meeting of the board.

Americorps

The foregoing appropriation items 490-409, Americorps Operations, and 490-617, Americorps Programs, shall be used in accordance with section 121.40 of the Revised Code.

SECTION 12.04. As used in this section, "PASSPORT Program" means the program created by section 173.40 of the Revised Code.

Not later than ninety days after the effective date of this section, the Department of Aging shall begin a study to determine the best means of increasing reimbursement rates for providers of adult day-care services under the PASSPORT Program. In making the determination, the department shall recognize the differences between core, enhanced, and intensive levels of care provided by providers of adult day-care services due to the acuity levels of clients and other factors. The department shall exclude transportation and bathing from adult day-care services in the study. The department shall include in the study a proposal to increase reimbursement rates for the three different levels of care and a fiscal analysis of the proposed increased rates.

SECTION 13. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF	700-321	Operating Expenses	$ 3,238,140	$	3,257,801
GRF	700-401	Animal Disease Control	$ 4,068,075	$	4,058,066

GRF	700-402	Amusement Ride Safety	$	324,839	$	320,887
GRF	700-403	Milk Lab Program	$	1,625,380	$	1,626,907
GRF	700-404	Ohio Proud	$	268,859	$	271,720
GRF	700-405	Animal Damage Control	$	110,493	$	111,135
GRF	700-406	Consumer Analytical Lab	$	828,046	$	817,680
GRF	700-407	Foods, Dairies, and Drugs	$	1,528,717	$	1,519,869
GRF	700-409	Farmland Preservation	$	188,942	$	188,892
GRF	700-410	Plant Industry	$	1,669,128	$	1,652,998
GRF	700-411	International Trade and Market Development	$	1,175,427	$	1,176,063
GRF	700-412	Weights and Measures	$	1,064,691	$	1,066,207
GRF	700-413	Gypsy Moth Prevention	$	384,232	$	384,864
GRF	700-415	Poultry Inspection	$	296,552	$	297,964
GRF	700-424	Livestock Testing and Inspections	$	250,839	$	255,659
GRF	700-499	Meat Inspection Match	$	4,651,662	$	4,604,566
GRF	700-501	County Agricultural Societies	$	455,900	$	466,842
GRF	700-503	Swine and Cattle Breeder Awards	$	121,250	$	124,160
TOTAL GRF General Revenue Fund			$	22,251,172	$	22,202,280
Federal Special Revenue Fund Group						
3J4	700-607	Indirect Cost	$	785,968	$	783,080
3R2	700-614	Federal Plant Industry	$	506,539	$	492,198
326	700-618	Meat Inspection Service	$	4,451,662	$	4,444,566
336	700-617	Ohio Farm Loan Revolving Fund	$	194,180	$	194,180
382	700-601	Cooperative Contracts	$	697,631	$	712,631
TOTAL FED Federal Special Revenue Fund Group			$	6,635,980	$	6,626,655
State Special Revenue Fund Group						
4C9	700-605	Feed, Fertilizer, and Lime Inspection	$	791,987	$	767,311
4E4	700-606	Utility Radiological Safety	$	100,211	$	99,733
4P7	700-610	Food Safety	$	237,871	$	237,453
4R0	700-636	Ohio Proud Marketing	$	26,291	$	26,922
4R2	700-637	Dairy Inspection Fund	$	2,293,385	$	2,286,261
4T6	700-611	Poultry and Meat Inspection	$	67,002	$	66,751
4T7	700-613	International Trade Fund	$	29,446	$	30,153
4V0	700-602	License Fees	$	33,158	$	33,954
4V5	700-615	Animal Industry Lab Fund	$	13,146	$	13,461
493	700-603	Fruits and Vegetables	$	377,621	$	377,596
494	700-612	Agricultural Commodity Marketing Program	$	217,206	$	222,419
496	700-626	Ohio Grape Industries	$	534,519	$	531,474
497	700-627	Commodity Handlers Regulatory Program	$	853,883	$	850,342
5H2	700-608	Metrology Lab	$	56,412	$	57,766
578	700-620	Ride Inspection Fees	$	419,220	$	403,787
579	700-630	Scale Certification	$	237,387	$	237,507
652	700-634	Laboratory Services	$	1,030,008	$	1,037,518
669	700-635	Pesticide Program	$	1,552,133	$	1,532,077
TOTAL SSR State Special Revenue Fund Group			$	8,870,886	$	8,812,485

TOTAL ALL BUDGET FUND GROUPS			$ 37,758,038	$ 37,641,420

Nursery Field Inspectors

Of the foregoing appropriation item 700-410, Plant Industry, $100,000 in each fiscal year shall be used for nursery field inspectors.

Poultry Inspector

Of the foregoing appropriation item 700-415, Poultry Inspection, $35,000 in each fiscal year shall be used to pay for an additional poultry inspector.

Ohio Cattletrax Network

Of the foregoing appropriation item 700-424, Livestock Testing and Inspections, $50,000 in each fiscal year shall be used for the Ohio Cattletrax Network.

Exotic Meat Inspection

Of the foregoing appropriation item 700-499, Meat Inspection Match, $10,000 in fiscal year 2000 and $10,000 in fiscal year 2001 shall be used for the inspection of exotic meat.

SECTION 14. AIR AIR QUALITY DEVELOPMENT AUTHORITY

Agency Fund Group

4Z9	898-602	Small Business Ombudsman	$ 204,600	$ 209,579
5A0	898-603	Small Business Assistance	$ 184,140	$ 188,500
570	898-601	Operating Expenses	$ 217,732	$ 223,000
TOTAL AGY Agency Fund Group			$ 606,472	$ 621,079
TOTAL ALL BUDGET FUND GROUPS			$ 606,472	$ 621,079

SECTION 15. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

General Revenue Fund

GRF	038-321	Operating Expenses	$ 1,549,614	$ 2,532,505
GRF	038-401	Alcohol and Drug Addiction Services	$ 32,481,379	$ 32,818,617
GRF	038-404	Prevention Services	$ 1,589,136	$ 1,455,436
TOTAL GRF General Revenue Fund			$ 35,620,129	$ 36,806,558

Federal Special Revenue Fund Group

3G3	038-603	Drug Free Schools	$ 4,352,565	$ 4,352,565
3G4	038-614	Substance Abuse Block Grant	$ 61,964,608	$ 61,964,607
3H8	038-609	Demonstration Grants	$ 2,999,879	$ 2,355,089
3J8	038-610	Medicaid	$ 21,500,000	$ 21,500,000
3N8	038-611	Administrative Reimbursement	$ 932,509	$ 335,703
TOTAL FED Federal Special Revenue Fund Group			$ 91,749,561	$ 90,507,964

State Special Revenue Fund Group

4C5	038-606	Revolving Loans/Recovery	$ 20,460	$ 20,972

		Homes		
475	038-621	Statewide Treatment and Prevention	$ 15,897,330	$ 16,338,475
5B7	038-629	TANF Transfer - Treatment	$ 1,500,000	$ 2,000,000
5E8	038-630	TANF Transfer - Mentoring	$ 123,864	$ 271,424
689	038-604	Education and Conferences	$ 255,516	$ 260,624
TOTAL SSR State Special Revenue Fund Group			$ 17,797,170	$ 18,891,495
TOTAL ALL BUDGET FUND GROUPS			$ 145,166,860	$ 146,206,017

Operating Expenses

Of the foregoing appropriation item 038-321, Operating Expenses, $1,000,000 in fiscal year 2001 shall be set aside for the operations of the Allman Building and the Eyman Building at the Massillon Psychiatric Center.

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Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, $4 million in each fiscal year shall be allocated on a per capita basis to local ADAS/ADAMHS boards for services to families, adults, and adolescents pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.

Vocational Rehabilitation Services Agreement

The Department of Alcohol and Drug Addiction Services and the Rehabilitation Services Commission shall enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, an amount up to $171,395 in fiscal year 2000 and $171,395 in fiscal year 2001 may be transferred to the Rehabilitation Services Commission appropriation item 415-618, Third Party Funding, to provide vocational rehabilitation services and staff in accordance with the interagency agreement.

Treatment Services Expansion

Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, $5,000,000 in fiscal year 2000 and $5,000,000 in fiscal year 2001 shall be used by the Department of Alcohol and Drug Addiction Services to expand community-based treatment of nonviolent offenders, rural treatment services, and treatment services to persons under 100 per cent of the federal poverty guidelines.

Funding for the Client Engagement and Treatment Outcomes Study

Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, $150,000 in fiscal year 2000 and $150,000 in fiscal year 2001 shall be used to fund the study required in this section under the heading "Client Engagement and Treatment Outcomes Study." The funds shall be allocated to the Department for the cost of data collection and

analysis. The Department shall use no more than five per cent of these funds for administration.

Alcohol and Drug Addiction Services Transfer

The foregoing appropriation item 038-629, TANF Transfer-Treatment, shall be used to provide substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the official income poverty guideline.

The foregoing appropriation item 038-630, TANF Transfer-Mentoring, shall be used to fund adolescent youth mentoring programs for children, or their families, whose income is at or below 200 per cent of the official income poverty guideline. The Director of Alcohol and Drug Addiction Services and the Directors of Human Services and Job and Family Services shall develop operating and reporting guidelines for these programs.

Community Treatment Services

Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, $100,000 in each fiscal year shall go to the Stark County Alcohol and Drug Addiction Services Center to provide treatment services.

Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, $400,000 in each fiscal year shall go to the Bellfaire/Jewish Children's Bureau to provide substance abuse treatment services.

Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, $75,000 in each fiscal year shall be for the Talbert House.

Parent Awareness Task Force

The Parent Awareness Task Force shall study ways to engage more parents in activities, coalitions, and educational programs in Ohio relating to alcohol and other drug abuse prevention. Of the foregoing appropriation item 038-404, Prevention Services, $30,000 in each fiscal year may be used to support the functions of the Parent Awareness Task Force.

Prevention Services

Of the foregoing appropriation item 038-404, Prevention Services, $160,000 in fiscal year 2000 shall be distributed in equal shares to all Urban Minority Alcohol and Drug Abuse Outreach Programs in the state.

Fund Adjustments

Effective July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Driver's Treatment and Intervention Fund (Fund 474), which is abolished in division (L)(2)(a) of section 4511.191 of the Revised Code, as amended by this act,

to the Statewide Treatment and Prevention Fund (Fund 475), which is created in section 4301.30 of the Revised Code and was formerly named the Alcoholism Detoxification Centers Fund. The director shall cancel any existing encumbrances against appropriation item 038-628, DWI Treatment (Fund 474), and reestablish them against appropriation item 038-621, Statewide Treatment and Prevention, Fund 475. The amounts of the reestablished encumbrances are hereby appropriated.

Client Treatment Outcomes Study

(A) Not later than ninety days after the effective date of this section, the Department of Alcohol and Drug Addiction Services shall contract with an entity with demonstrated scientific expertise in performing outcome research to study client treatment outcomes. The Department shall establish requirements for conducting the study, including the methodology for data collection and analysis, and shall require that the study be conducted in accordance with a scientifically valid methodology for measuring treatment outcomes.

(B) In addition to the requirements established by the Department, the study shall do all of the following:

(1) Be conducted over a period of two years;

(2) Utilize a data collection methodology that includes direct contact of former clients who have agreed to be subjects of the study on the fifteenth, thirtieth, sixtieth, one hundred eightieth, and three hundred sixtieth day after discharge. The study may include analysis of secondary data sources, survey current efforts of boards of alcohol, drug addiction, and mental health services and alcohol and drug addiction programs regarding their efforts to measure client outcomes, or both;

(3) Collect data with which to measure outcome variables, including relapse, criminal recidivism, health status, and employment status of the subjects of the study;

(4) Determine the most successful means of, and time frames for, intervening with the subjects of the study after discharge from alcohol and drug addiction treatment to prevent relapse, maximize life stability, and, in the case of subjects who relapse, intervene as early as possible to assist them in participating in appropriate services and activities;

(5) Recommend changes to existing statewide clinical protocols and quality standards for publicly funded alcohol and drug addiction treatment services with the goal of reducing rates of relapse after treatment discharge;

(6) Be conducted in accordance with section 3793.13 of the Revised Code and federal regulations governing the confidentiality of client treatment records.

(C) The Department shall pursue funding available to support the work of the study.

(D) Not later than ninety days after the conclusion of the study, the Department shall issue a report to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate. The report shall contain a summary of the results and conclusions of the study, including recommendations for changes to state law and rules with the goal of improving clinical quality and reducing rates of relapse following treatment discharge.

SECTION 16. AMB AMBULANCE LICENSING BOARD

General Services Fund Group

4N1	915-601	Operating Expenses	$ 238,563	$	235,570
TOTAL GSF General Services Fund Group			$ 238,563	$	235,570
TOTAL ALL BUDGET FUND GROUPS			$ 238,563	$	235,570

SECTION 17. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS

General Services Fund Group

4K9	891-609	Operating Expenses	$ 430,407	$	430,473
TOTAL GSF General Services Fund Group			$ 430,407	$	430,473
TOTAL ALL BUDGET FUND GROUPS			$ 430,407	$	430,473

SECTION 18. ART OHIO ARTS COUNCIL

General Revenue Fund

GRF	370-100	Personal Services	$ 2,152,354	$	2,183,954
GRF	370-200	Maintenance	$ 565,024	$	578,585
GRF	370-300	Equipment	$ 33,500	$	34,304
GRF	370-502	Program Subsidies	$ 13,705,728	$	13,482,842
TOTAL GRF General Revenue Fund			$ 16,456,606	$	16,279,685

General Services Fund Group

4B7	370-603	Per Cent for Art Acquisitions	$ 81,066	$	83,012
460	370-602	Gifts and Donations	$ 121,661	$	124,368
TOTAL GSF General Services Fund Group			$ 202,727	$	207,380

Federal Special Revenue Fund Group

314	370-601	Federal Programs	$ 664,600	$	664,600
TOTAL FED Federal Special Revenue Fund Group			$ 664,600	$	664,600
TOTAL ALL BUDGET FUND GROUPS			$ 17,323,933	$	17,151,665

Program Subsidies

A museum is not eligible to receive funds from appropriation item

370-502, Program Subsidies, if $8,000,000 or more in capital appropriations were appropriated by the state for the museum between January 1, 1986, and December 31, 2000.

Per Cent for Art Acquisitions

The unobligated balance remaining from prior projects of appropriation item 370-603, Per Cent for Art Acquisitions, shall be used by the Ohio Arts Council to pay for start-up costs in connection with the selection of artists of new Per Cent for Art projects.

In accordance with section 3379.10 of the Revised Code, the Director of Budget and Management shall determine which appropriations in this act are subject to the Per Cent for the Arts Program. Not later than forty-five days after the effective date of this section, the Director of Budget and Management shall submit to the Director of the Ohio Arts Council and the Controlling Board a report detailing the affected capital projects by agency and appropriation item number, the amount of the appropriation, and the amount of the appropriation reserved for the Per Cent for the Arts Program.

SECTION 19. AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION

General Revenue Fund						
GRF	371-321	Operating Expenses	$	908,925	$	940,557
GRF	371-401	Lease Rental Payments	$	24,400,000	$	32,600,000
TOTAL GRF General Revenue Fund			$	25,308,925	$	33,540,557
General Services Fund Group						
4T8	371-601	Riffe Theatre Equipment Maintenance	$	21,622	$	22,141
TOTAL GSF General Services Fund Group			$	21,622	$	22,141
TOTAL ALL BUDGET FUND GROUPS			$	25,330,547	$	33,562,698

Capital Donations Fund

The Executive Director of the Arts and Sports Facilities Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank or private nonprofit entity, or certification of the availability of funds which have been received from a county or city auditor for deposit to the Capital Donations Fund. These amounts are hereby appropriated to appropriation item 371-602, Capital Donations. Prior to certifying these amounts to the director, the executive director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

Capital Donations Fund Refunds

At the request of the Arts and Sports Facilities Commission, the

Director of Budget and Management shall cancel current and prior-year encumbrances in appropriation item 371-602, Capital Donations Fund, which are no longer needed for a project to refund excess donations as authorized in section 3383.08 of the Revised Code. As determined by the Director of Budget and Management, the appropriation authority necessary to make the refund is hereby appropriated.

Ohio Building Authority Lease Payments

Appropriations to the Arts and Sports Facilities Commission from the General Revenue Fund include $57,000,000 for the biennium for appropriation item 371-401, Lease Rental Payments. This appropriation shall be used for payments to the Ohio Building Authority for the period July 1, 1999, to June 30, 2001, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

SECTION 20. ATH ATHLETIC COMMISSION

Special Services Fund Group

4K9	175-609	Athletic Commission - Operating	$ 137,640	$ 137,946
TOTAL GSF General Services Fund Group			$ 137,640	$ 137,946
TOTAL ALL BUDGET FUND GROUPS			$ 137,640	$ 137,946

SECTION 21. AGO ATTORNEY GENERAL

General Revenue Fund

GRF	055-321	Operating Expenses	$ 56,367,407	$ 60,440,184
GRF	055-405	Law-Related Education	$ 190,164	$ 195,489
GRF	055-411	County Sheriffs	$ 590,612	$ 607,149
GRF	055-415	County Prosecutors	$ 495,027	$ 508,888
TOTAL GRF General Revenue Fund			$ 57,643,210	$ 61,751,710

General Services Fund Group

106	055-612	General Reimbursement	$ 12,452,999	$ 12,810,180
107	055-624	Employment Services	$ 1,064,659	$ 1,116,469
195	055-660	Workers' Compensation Section	$ 6,646,301	$ 6,794,833
4Y7	055-608	Title Defect Rescission	$ 785,800	$ 807,141
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	$ 308,400	$ 317,035
418	055-615	Charitable Foundations	$ 1,460,757	$ 1,498,158
420	055-603	Attorney General Antitrust	$ 420,108	$ 426,184
421	055-617	Police Officers' Training Academy Fee	$ 1,035,353	$ 1,062,272
5A9	055-618	Telemarketing Fraud Enforcement	$ 50,000	$ 50,000
590	055-633	Peace Officer Private Security	$ 85,962	$ 90,790

		Fund		
629	055-636	Corrupt Activity Investigation and Prosecution	$ 100,503	$ 103,317
631	055-637	Consumer Protection Enforcement	$ 1,090,936	$ 1,103,555
TOTAL GSF General Services Fund Group			$ 25,501,778	$ 26,179,934
Federal Special Revenue Fund Group				
3E5	055-638	Anti-Drug Abuse	$ 2,650,000	$ 2,650,000
3R6	055-613	Attorney General Federal Funds	$ 1,000,000	$ 1,000,000
306	055-620	Medicaid Fraud Control	$ 2,515,772	$ 2,515,772
381	055-611	Civil Rights Legal Service	$ 315,329	$ 315,329
383	055-634	Crime Victims Assistance	$ 8,000,000	$ 6,500,000
TOTAL FED Federal Special Revenue Fund Group			$ 14,481,101	$ 12,981,101
State Special Revenue Fund Group				
108	055-622	Crime Victims Compensation	$ 4,039,318	$ 4,142,419
176	055-625	Victims Assistance Office	$ 374,768	$ 384,353
177	055-626	Victims Assistance Programs	$ 1,745,612	$ 1,794,489
4L6	055-606	DARE	$ 3,738,067	$ 3,744,361
417	055-621	Domestic Violence Shelter	$ 13,458	$ 13,835
419	055-623	Claims Section	$ 16,740,686	$ 17,177,546
659	055-641	Solid and Hazardous Waste Background Investigations	$ 756,162	$ 775,535
TOTAL SSR State Special Revenue Fund Group			$ 27,408,071	$ 28,032,538
Holding Account Redistribution Fund Group				
R03	055-629	Bingo License Refunds	$ 5,200	$ 5,200
R04	055-631	General Holding Account	$ 75,000	$ 75,000
R05	055-632	Antitrust Settlements	$ 10,400	$ 10,400
R18	055-630	Consumer Frauds	$ 750,000	$ 750,000
R42	055-601	Organized Crime Commission Account	$ 200,000	$ 200,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 1,040,600	$ 1,040,600
TOTAL ALL BUDGET FUND GROUPS			$ 126,074,760	$ 129,985,883

Law-Related Education

The foregoing appropriation item 055-405, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students and accessing additional public and private money for new programs.

Workers' Compensation Section

The Workers' Compensation Section Fund (Fund 195) shall receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. Such

advance payment shall be subject to adjustment.

In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

Corrupt Activity Investigation and Prosecution

The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are hereby appropriated.

Community Police Match and Law Enforcement Assistance

In fiscal years 2000 and 2001, the Attorney General's Office may request the Director of Budget and Management to, and the Director of Budget and Management shall, establish GRF appropriation item 055-406, Community Police Match and Law Enforcement Assistance. The Director of Budget and Management shall then transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. Moneys transferred to appropriation item 055-406 shall be used to pay operating expenses and to provide grants to local law enforcement agencies and communities for the purpose of supporting law enforcement-related activities.

SECTION 22. AUD AUDITOR OF STATE

General Revenue Fund

GRF	070-321	Operating Expenses	$ 33,329,077	$ 33,625,207
GRF	070-403	Fiscal Watch/Emergency Technical Assistance	$ 250,000	$ 250,000
GRF	070-405	Electronic Data Processing - Auditing and Administration	$ 850,406	$ 858,421
GRF	070-406	Uniform Accounting Network/Technology Improvements Fund	$ 3,500,000	$ 5,500,000
TOTAL GRF General Revenue Fund			$ 37,929,483	$ 40,233,628

General Services Fund Group

109	070-601	Public Audit Expense - Intra-State	$ 8,713,266	$ 8,933,768
422	070-601	Public Audit Expense - Local Government	$ 35,568,004	$ 36,472,007

584	070-603	Training Program	$ 164,558	$ 168,819
675	070-605	Uniform Accounting Network	$ 1,196,458	$ 1,229,253
TOTAL GSF General Services Fund Group			$ 45,642,286	$ 46,803,847
Holding Account Redistribution Fund Group				
R06	070-604	Continuous Receipts	$ 200,000	$ 200,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 200,000	$ 200,000
TOTAL ALL BUDGET FUND GROUPS			$ 83,771,769	$ 87,237,475

Electronic Data Processing

The unencumbered balance of appropriation item 070-405, Electronic Data Processing-Auditing and Administration, at the end of fiscal year 2000 is hereby transferred to fiscal year 2001 for use under the same appropriation item.

Uniform Accounting Network/Technology Improvements Fund

The foregoing appropriation item 070-406, Uniform Accounting Network/Technology Improvements Fund, shall be used to pay the costs of the development and implementation of the Uniform Accounting Network and technology improvements for the Auditor of State's Office. The unencumbered balance of the appropriation at the end of fiscal year 2000 is hereby transferred to fiscal year 2001 to pay the costs of the development and implementation of the Uniform Accounting Network and technology improvements for the Auditor of State's Office.

SECTION 23. BRB BOARD OF BARBER EXAMINERS

General Services Fund Group				
4K9	877-609	Operating Expenses	$ 450,186	$ 442,657
TOTAL GSF General Services Fund Group			$ 450,186	$ 442,657
TOTAL ALL BUDGET FUND GROUPS			$ 450,186	$ 442,657

SECTION 24. OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund				
GRF	042-321	Budget Development and Implementation	$ 2,250,596	$ 2,249,452
GRF	042-401	Office of Quality Services	$ 597,326	$ 581,355
GRF	042-410	National Association Dues	$ 24,360	$ 25,578
GRF	042-412	Biennial Audit	$ 45,000	$ 45,000
GRF	042-434	Financial Planning Commissions	$ 381,493	$ 333,795
TOTAL GRF General Revenue Fund			$ 3,298,775	$ 3,235,180
General Services Fund Group				
105	042-603	State Accounting	$ 8,078,632	$ 8,067,780
4C1	042-601	Quality Services Academy	$ 120,000	$ 125,000
TOTAL GSF General Services Fund				

Group	$ 8,198,632	$ 8,192,780
TOTAL ALL BUDGET FUND GROUPS	$ 11,497,407	$ 11,427,960

Transfer of Appropriations

The Director of Budget and Management may transfer appropriations within the same fiscal year between the foregoing appropriation items 042-321, Budget Development and Implementation, and 042-434, Financial Planning Commissions.

Office of Quality Services

A portion of the foregoing appropriation item 042-401, Office of Quality Services, may be used to provide financial sponsorship support for conferences and showcases that promote quality improvement efforts. Such expenditures are not subject to Chapter 125. of the Revised Code.

Ohio's Quality Showcase

The Office of Quality Services may cosponsor Ohio's Quality Showcase. The office may grant funds to other sponsoring entities for the purpose of conducting this event, provided that such grants are used exclusively for the direct expenses of the event.

Any state agency, at the discretion and with the approval of the director or other executive authority of the agency, may provide financial or in-kind support for Ohio's Quality Showcase cosponsored by the Office of Quality Services. Any financial contribution made by an agency shall not exceed $3,000 annually.

Audit Costs

Of the foregoing appropriation item 042-603, State Accounting, no more than $310,000 in fiscal year 2000 and $325,000 in fiscal year 2001 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or the General Purpose Financial Statements for the state.

SECTION 25. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund

GRF	874-321	Operating Expenses	$ 5,498,069	$ 4,146,007
TOTAL GRF General Revenue Fund			$ 5,498,069	$ 4,146,007

General Services Fund Group

4G5	874-603	Capitol Square Maintenance Expenses	$ 952,492	$ 979,162
4S7	874-602	Statehouse Gift Shop/Events	$ 466,325	$ 471,930
4T2	874-604	Government Television/ Telecommunications Operating	$ 318,304	$ 327,217
TOTAL GSF General Services Fund Group			$ 1,737,121	$ 1,778,309

Underground Parking Garage

208	874-601	Underground Parking Garage Operating	$ 2,349,722	$	2,412,097
TOTAL UPG Underground Parking Garage			$ 2,349,722	$	2,412,097
TOTAL ALL BUDGET FUND GROUPS			$ 9,584,912	$	8,336,413

Statehouse Committee Room Audio-Visual Wiring

Of the foregoing appropriation item 874-321, Operating Expenses, $950,000 in fiscal year 2000 shall be used to install hard wiring in the Statehouse and Senate Building committee hearing rooms.

Capitol Square Retaining Wall

Of the foregoing appropriation item 874-321, Operating Expenses, $500,000 in fiscal year 2000 shall be used to complete the replacement of the Capitol Square retaining wall.

Ohio News Bureau

Of the foregoing appropriation item 874-321, Operating Expenses, $75,000 shall be used in each fiscal year to support the Ohio Government Television's Ohio News Bureau.

Ohio Government Telecommunications

The foregoing appropriation item 874-604, Government Television/Telecommunications Operating Fund, shall be used to pay for the operations of the Ohio Government Telecommunications program.

Cash Transfer to the Department of Commerce

Within 60 days of the effective date of this section, the Director of Budget and Management shall transfer $500,000 cash from the Capitol Square Review and Advisory Board Revival Reimbursement Fund (Fund 4Y9) to the Department of Commerce's Division of Administration fund (Fund 163). This cash transfer shall be used to repay a fiscal year 1994 loan.

SECTION 26. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS

General Services Fund Group

4K9	878-609	Operating Expenses	$ 535,723	$	521,163
TOTAL GSF General Services Fund Group			$ 535,723	$	521,163
TOTAL ALL BUDGET FUND GROUPS			$ 535,723	$	521,163

SECTION 27. CIV OHIO CIVIL RIGHTS COMMISSION

General Revenue Fund

GRF	876-100	Personal Services	$ 9,281,149	$	9,467,977
GRF	876-200	Maintenance	$ 1,068,519	$	1,094,163
GRF	876-300	Equipment	$ 121,033	$	123,938
TOTAL GRF General Revenue Fund			$ 10,470,701	$	10,686,078

Federal Special Revenue Fund Group					
334	876-601	Federal Programs	$ 2,376,200	$	2,381,200
TOTAL FED Federal Special Revenue Fund Group			$ 2,376,200	$	2,381,200
State Special Revenue Fund Group					
217	876-604	General Reimbursement	$ 20,000	$	20,000
TOTAL SSR State Special Revenue Fund Group			$ 20,000	$	20,000
TOTAL ALL BUDGET FUND GROUPS			$ 12,866,901	$	13,087,278

SECTION 28. COM DEPARTMENT OF COMMERCE

General Revenue Fund					
GRF	800-402	Grants - Volunteer Fire Departments	$ 782,478	$	819,807
Total GRF General Revenue Fund			$ 782,478	$	819,807
General Services Fund Group					
163	800-620	Division of Administration	$ 4,771,766	$	4,787,925
TOTAL GSF General Services Fund Group			$ 4,771,766	$	4,787,925
Federal Special Revenue Fund Group					
348	800-622	Underground Storage Tanks	$ 200,580	$	195,008
348	800-624	Leaking Underground Storage Tanks	$ 1,314,605	$	1,295,920
TOTAL FED Federal Special Revenue Fund Group			$ 1,515,185	$	1,490,928
State Special Revenue Fund Group					
4B2	800-631	Real Estate Appraisal Recovery	$ 68,500	$	68,500
4D2	800-605	Auction Education	$ 30,230	$	30,476
4H9	800-608	Cemeteries	$ 237,344	$	243,434
4L5	800-609	Fireworks Training and Education	$ 5,000	$	5,000
4X2	800-619	Financial Institutions	$ 1,920,385	$	1,873,615
5B8	800-628	Auctioneers	$ 347,591	$	323,316
5B9	800-632	PI & Security Guard Provider	$ 935,159	$	940,874
543	800-602	Unclaimed Funds-Operating	$ 4,611,007	$	4,663,857
543	800-625	Unclaimed Funds-Claims	$ 23,783,981	$	24,354,796
544	800-612	Banks	$ 5,979,092	$	5,956,369
545	800-613	Savings Institutions	$ 2,612,665	$	2,616,829
546	800-610	Fire Marshal	$ 9,454,594	$	9,427,122
547	800-603	Real Estate Education/Research	$ 248,237	$	254,194
548	800-611	Real Estate Recovery	$ 271,972	$	271,972
549	800-614	Real Estate	$ 2,761,635	$	2,692,093
550	800-617	Securities	$ 4,675,239	$	4,639,787
552	800-604	Credit Union	$ 2,280,531	$	2,266,517
553	800-607	Consumer Finance	$ 2,364,776	$	2,258,617
556	800-615	Industrial Compliance	$ 19,321,973	$	19,160,662
6A4	800-630	Real Estate Appraiser-Operating	$ 496,596	$	489,207

653	800-629	UST Registration/Permit Fee	$ 1,019,988	$	1,014,332
TOTAL SSR State Special Revenue Fund Group			$ 83,426,495	$	83,551,569
Liquor Control Fund Group					
043	800-321	Liquor Control Operating	$ 15,694,491	$	14,245,821
043	800-601	Merchandising	$ 290,319,584	$	298,454,701
861	800-634	Salvage and Exchange	$ 105,000	$	105,000
TOTAL LCF Liquor Control Fund Group			$ 306,119,075	$	312,805,522
TOTAL ALL BUDGET FUND GROUPS			$ 396,614,999	$	403,455,751

Grants - Volunteer Fire Departments

The foregoing appropriation item 800-402, Grants - Volunteer Fire Departments, shall be used to make annual grants to volunteer fire departments of up to $10,000, or up to $25,000 in cases when the volunteer fire department provides service for an area affected by a natural disaster. The program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall issue necessary rules for the administration and operation of this program.

Unclaimed Funds Payments

The foregoing appropriation item 800-625, Unclaimed Funds-Claims, shall be used to pay claims pursuant to section 169.08 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are hereby appropriated.

Increased Appropriation Authority - Merchandising

The Director of Commerce may, upon concurrence by the Director of Budget and Management, submit to the Controlling Board for approval a request for increased appropriation authority for appropriation item 800-601, Merchandising.

Administrative Assessments

Notwithstanding any other provision of law to the contrary, Fund 163, Administration, shall receive assessments from all operating funds of the department in accordance with procedures prescribed by the Director of Commerce and approved by the Director of Budget and Management.

Cash Balance Transfer

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Savings Bank Fund (Fund 4G8), which was abolished in this act by the repeal of section 1163.17 of the Revised Code, to the Savings Institutions Fund (Fund 545), which is created in this act by the enactment of section 1181.18 of the Revised Code. The Director shall cancel any existing encumbrances against appropriation item 800-606, Savings Banks, and reestablish them against appropriation item, 800-613, Savings Institutions (Fund 545). The amounts of the reestablished encumbrances are hereby appropriated.

SECTION 28.01. Notwithstanding section 4735.141 of the Revised Code, as amended by this act, all persons licensed under sections 4735.07 and 4735.09 of the Revised Code before January 1, 2001, shall submit proof satisfactory to the Superintendent of Real Estate that the licensee has satisfactorily completed continuing education, as prescribed by the Ohio Real Estate Commission pursuant to section 4735.10 of the Revised Code and as to the number of hours required under section 4735.141 of the Revised Code, as that section existed prior to this act, in accordance with the appropriate time period, as follows:

(A) For continuing education that, under section 4735.141 of the Revised Code, as that section existed prior to this act, would have been due in the year 2001, on or before the licensee's birthday in the year 2002, and on or before the licensee's birthday every three years thereafter;

(B) For continuing education that, under section 4735.141 of the Revised Code, as that section existed prior to this act, would have been due in the year 2002, on or before the licensee's birthday in the year 2003, and on or before the licensee's birthday every three years thereafter;

(C) For continuing education that, under section 4735.141 of the Revised Code, as that section existed prior to this act, would have been due in the year 2003, on or before the licensee's birthday in the year 2004, and on or before the licensee's birthday every three years thereafter.

SECTION 29. OCC OFFICE OF CONSUMERS' COUNSEL

General Services Fund Group

5F5	053-601	Operating Expenses	$ 8,131,725	$	7,647,619
TOTAL GSF General Services Fund Group			$ 8,131,725	$	7,647,619
TOTAL ALL BUDGET FUND GROUPS			$ 8,131,725	$	7,647,619

SECTION 30. CEB CONTROLLING BOARD

General Revenue Fund

GRF	911-401	Emergency Purposes/Contingencies	$ 6,372,000	$	6,000,000
GRF	911-402	Employee Compensation Adjustment	$ 0	$	38,000,000
GRF	911-403	School District Financial Planning	$ 500,000	$	500,000
GRF	911-404	Mandate Assistance	$ 2,000,000	$	2,000,000
GRF	911-410	Ohio Veterans' Home	$ 250,000	$	300,000
GRF	911-419	Foster Caregiver Training	$ 0	$	3,000,000
GRF	911-441	Ballot Advertising Costs	$ 800,000	$	800,000

GRF 911-442	Year 2000 Assistance	$ 4,400,000	$	1,500,000
TOTAL GRF General Revenue Fund		$ 14,322,000	$	52,100,000
State Special Revenue Fund Group				
5E2 911-601	Disaster Services	$ 20,600,000	$	4,400,000
TOTAL SSR State Special Revenue Fund Group		$ 20,600,000	$	4,400,000
TOTAL ALL BUDGET FUND GROUPS		$ 34,922,000	$	56,500,000

Federal Share

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

Appropriation Transfers

In fiscal year 2000, the Controlling Board may transfer to the Bureau of Employment Services or to the Department of Human Services all or part of an appropriation that is made to the Department of Job and Family Services for fiscal year 2001. In fiscal year 2001, the Controlling Board may transfer to the Department of Job and Family Services all or part of any balance in an appropriation that is made to the Bureau of Employment Services or to the Department of Human Services for fiscal year 2000.

Disaster Assistance

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use such funding for disaster aid requests that meet Controlling Board criteria for assistance. The department shall submit a report to the Controlling Board quarterly describing all such disaster aid.

Southern Ohio Correctional Facility Cost

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

Project OASIS

The Office of the Attorney General may request, upon approval of the Director of Budget and Management, that the Controlling Board release up to $372,000 in fiscal year 2000 from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to address a funding gap for Project OASIS in the event that federal funding for this program is insufficient or delayed.

Disaster Services

The foregoing appropriation item 911-601, Disaster Services, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation line item of the state for the payment of state agency program expenses as follows:

(A) The southern Ohio flooding, referred to as FEMA-DR-1164-OH;

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;

(C) In fiscal year 2000, $5,000,000 to the Department of Natural Resources to be used for statewide flood mitigation projects;

(D) In fiscal year 2000, up to $3,000,000 for reimbursing local governments for costs associated with tornado disaster relief in Hamilton and Warren Counties;

(E) If the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these disasters, other disasters declared by the Governor.

Of the amount appropriated in fiscal year 2000 for the foregoing appropriation item 911-601, Disaster Services, $5,000,000 is the unencumbered and unallotted cash balance that exists in Fund 5E2 on June 30, 1999.

Employee Compensation

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or a state agency with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the various state agencies, to assist in paying the costs of increases in employee compensation that occur on or after July 1, 2000, that are provided pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation provided for employees that are exempt from collective bargaining.

The Controlling Board may transfer appropriations from the foregoing appropriation item 911-402, Employee Compensation Adjustment, to the various agencies based on requests submitted by the Director of Budget and

Management to assist in paying for the General Revenue Fund's share of employee compensation increases resulting from collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation that are provided to employees that are exempt from collective bargaining.

School District Financial Planning

The foregoing appropriation item 911-403, School District Financial Planning, shall be used to pay costs of implementing the school district watch and fiscal emergency provisions of sections 3316.01 to 3316.08 of the Revised Code, including the expenses of the school district financial planning and supervision commission. Upon the request of any agency involved in implementing the school district watch or fiscal emergency provisions, the Controlling Board may transfer all or part of the appropriation to the agency.

Mandate Assistance

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following three unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;

(3) The cost to school districts of in-service training for child abuse detection.

(B) The State and Local Government Commission may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance, to the state agencies charged with administering the state financial assistance to be provided under this section. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that the commission may propose be used for each program of state financial assistance.

Program	Administering Agency	Estimated Annual Amount
Prosecution Costs	Office of Criminal Justice Services	$200,000
Firefighter Training Costs	Department of Commerce	$1,000,000

Child Abuse Detection Training Costs	Department of Education	$800,000

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the commission may propose to the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the commission, the Controlling Board may, if requested by the commission, transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the commission and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the commission and the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) Prosecution Costs

(a) Appropriations may be transferred to the Office of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Office of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Office of Criminal Justice Services for the receipt of such

rants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of $100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder, second priority shall be given to cases involving a felony of the first degree, and third priority shall be given to cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) Firefighter Training Costs

Appropriations may be transferred to the Department of Commerce for use as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. In accordance with rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships.

(3) Child Abuse Detection Training Costs

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided.

Ohio Veterans' Home

With the approval of the Director of Budget and Management, the Ohio Veterans' Home may request that the Controlling Board transfer all or part of the foregoing appropriation item 911-410, Ohio Veterans' Home, to assist the Ohio Veterans' Home in defraying the operating expenses incurred as a result of its role in the planning and construction of a second veterans' home.

Foster Caregiver Training

Upon the passage of appropriate legislation by the 123rd General Assembly, the Department of Job and Family Services shall request that the

Controlling Board transfer up to $3,000,000 in fiscal year 2001 from the foregoing appropriation item 911-419, Foster Caregiver Training, for the purpose of establishing a program of precertification and continuing training for foster caregivers.

Ballot Advertising Costs

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board line item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot Advertising Costs, the Director of Budget and Management shall transfer any amounts that are not needed for the purpose of reimbursing county boards of elections for the cost of public notices associated with statewide ballot initiatives to appropriation item 911-404, Mandate Assistance.

Year 2000 Assistance

The Department of Administrative Services shall make a concerted effort to recover from state agencies its cost of providing Year 2000 compliance assistance to state agencies on or after July 1, 1999. In instances where such cost recovery attempts are impractical or unreasonable, the Department of Administrative Services may request approval of the Controlling Board to transfer appropriations from the foregoing appropriation item 911-442, Year 2000 Assistance, to the department in order to assist in paying for the costs that it incurs in providing Year 2000 assistance to state agencies.

The Director of Budget and Management shall certify to the members of the Controlling Board, of the amount appropriated to appropriation item 042-900, OBM Y2K Contingency, how much is subsequently for deposit to the credit of the General Revenue Fund. The Director of Budget and Management shall then increase the appropriation authority in the foregoing appropriation item 911-442, Year 2000 Assistance, by the amount so certified.

SECTION 31. COS STATE BOARD OF COSMETOLOGY

General Services Fund Group

4K9	879-609	Operating Expenses	$ 2,201,152	$ 2,198,147
TOTAL GSF General Services Fund Group			$ 2,201,152	$ 2,198,147
TOTAL ALL BUDGET FUND GROUPS			$ 2,201,152	$ 2,198,147

SECTION 32. CSW COUNSELOR AND SOCIAL WORKERS BOARD

General Services Fund Group

4K9 899-609	Operating Expenses	$ 850,781	$ 848,656
TOTAL GSF General Services Fund Group		$ 850,781	$ 848,656
TOTAL ALL BUDGET FUND GROUPS		$ 850,781	$ 848,656

SECTION 33. CLA COURT OF CLAIMS

General Revenue Fund

GRF 015-321	Operating Expenses	$ 2,779,752	$ 2,872,612
TOTAL GRF General Revenue Fund		$ 2,779,752	$ 2,872,612

State Special Revenue Fund Group

402 015-601	Victims of Crime	$ 22,086,768	$ 22,925,167
TOTAL SSR State Special Revenue Fund Group		$ 22,086,768	$ 22,925,167
TOTAL ALL BUDGET FUND GROUPS		$ 24,866,520	$ 25,797,779

SECTION 34. CJS OFFICE OF CRIMINAL JUSTICE SERVICES

General Revenue Fund

GRF 196-401	Criminal Justice Information System	$ 970,000	$ 972,000
GRF 196-403	Violence Prevention	$ 400,763	$ 364,842
GRF 196-424	Operating Expenses	$ 1,003,621	$ 1,011,300
GRF 196-499	State Match	$ 826,876	$ 800,104
GRF 196-502	Lucasville Disturbance Costs	$ 50,000	$ 0
TOTAL GRF General Revenue Fund		$ 3,251,260	$ 3,148,246

Federal Special Revenue Fund Group

3L5 196-604	Justice Programs	$ 30,515,304	$ 32,648,653
TOTAL FED Federal Special Revenue Fund Group		$ 30,515,304	$ 32,648,653
TOTAL ALL BUDGET FUND GROUPS		$ 33,766,564	$ 35,796,899

Indigent Defense

The Office of Criminal Justice Services shall make all efforts to maximize the amount of funding available for the defense of indigent persons.

Criminal Justice Information System

The foregoing appropriation item 196-401, Criminal Justice Information System, shall be used by the Office of Criminal Justice Services to work on a plan to improve Ohio's criminal justice information systems. The Director of Criminal Justice Services shall evaluate the progress of this plan and issue a report to the Governor, the Speaker and the Minority Leader of the House of Representatives, the President and the Minority Leader of the Senate, the Criminal Justice Policy Board, and the Legislative Budget Office

of the Legislative Service Commission by the first day of January of each year of the two-year biennium beginning July 1, 1999, and ending June 30, 2001.

Violence Prevention

Of the foregoing appropriation item 196-403, Violence Prevention, $4,000 in fiscal year 2000 shall be distributed to the City of Painesville for the purpose of funding the City of Painesville Crime Prevention Program, and $4,000 in fiscal year 2000 shall be distributed to the City of Mentor for the purpose of funding the City of Mentor Crime Prevention Program. Of the foregoing appropriation item 196-403, Violence Prevention, $50,000 in fiscal year 2000 shall be distributed to the Montgomery County Victim Offender Program.

SECTION 35. DEN STATE DENTAL BOARD

General Services Fund Group

4K9 880-609	Operating Expenses	$ 1,119,536	$	1,114,065
TOTAL GSF General Services Fund Group		$ 1,119,536	$	1,114,065
TOTAL ALL BUDGET FUND GROUPS		$ 1,119,536	$	1,114,065

SECTION 36. BDP BOARD OF DEPOSIT

General Services Fund Group

4M2 974-601	Board of Deposit	$ 818,400	$	838,041
TOTAL GSF General Services Fund Group		$ 818,400	$	838,041
TOTAL ALL BUDGET FUND GROUPS		$ 818,400	$	838,041

Board of Deposit Expense Fund

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 608) to the Board of Deposit Expense Fund (Fund 4M2). This fund shall be used to pay for banking charges and fees required for the operation of the State of Ohio Regular Account.

SECTION 37. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund

GRF 195-100	Personal Services	$ 2,578,880	$	2,583,300
GRF 195-200	Maintenance	$ 608,000	$	608,000
GRF 195-300	Equipment	$ 111,550	$	111,550
GRF 195-401	Thomas Edison Program	$ 25,553,540	$	25,528,749
GRF 195-404	Small Business Development	$ 2,445,388	$	2,465,504
GRF 195-405	Minority Business Development Division	$ 2,323,570	$	2,324,418

GRF	195-406	Transitional and Permanent Housing	$ 2,760,270	$ 2,826,679
GRF	195-407	Travel and Tourism	$ 6,300,000	$ 6,327,600
GRF	195-408	Coal Research Development	$ 588,465	$ 587,907
GRF	195-410	Defense Conversion Assistance Program	$ 740,000	$ 500,000
GRF	195-412	Business Development Grants	$ 10,005,000	$ 10,005,000
GRF	195-414	First Frontier Match	$ 485,000	$ 496,628
GRF	195-415	Regional Offices and Economic Development	$ 6,414,854	$ 6,338,038
GRF	195-416	Governor's Office of Appalachia	$ 1,628,800	$ 641,376
GRF	195-417	Urban/Rural Initiative	$ 1,000,000	$ 1,000,000
GRF	195-422	Technology Action	$ 15,100,000	$ 15,100,000
GRF	195-428	Project 100	$ 2,000,000	$ 2,000,000
GRF	195-429	Y2K Compliance	$ 10,000,000	$ 0
GRF	195-431	Community Development Corporation Grants	$ 2,520,386	$ 2,582,510
GRF	195-432	International Trade	$ 5,291,540	$ 5,416,621
GRF	195-434	Industrial Training Grants	$ 18,000,000	$ 20,000,000
GRF	195-436	Labor/Management Cooperation	$ 1,164,000	$ 1,164,000
GRF	195-440	Emergency Shelter Housing Grants	$ 2,930,029	$ 2,999,139
GRF	195-441	Low and Moderate Income Housing	$ 7,760,000	$ 7,760,000
GRF	195-497	CDBG Operating Match	$ 1,147,067	$ 1,176,608
GRF	195-498	State Energy Match	$ 147,221	$ 151,299
GRF	195-501	Appalachian Local Development Districts	$ 452,370	$ 463,227
GRF	195-502	Appalachian Regional Commission Dues	$ 190,000	$ 194,400
GRF	195-507	Travel & Tourism Grants	$ 1,795,000	$ 1,640,000
GRF	195-513	Empowerment Zones/Enterprise Communities	$ 2,000,000	$ 0
TOTAL GRF General Revenue Fund			$ 134,040,930	$ 122,992,553
General Services Fund Group				
135	195-605	Supportive Services	$ 7,463,030	$ 7,472,165
136	195-621	International Trade	$ 75,000	$ 0
685	195-636	General Reimbursements	$ 1,199,500	$ 1,222,233
TOTAL GSF General Services Fund Group			$ 8,737,530	$ 8,694,398
Federal Special Revenue Fund Group				
3K8	195-613	Community Development Block Grant	$ 65,000,000	$ 65,000,000
3K9	195-611	Home Energy Assistance Block Grant	$ 55,000,000	$ 55,000,000
3K9	195-614	HEAP Weatherization	$ 10,421,000	$ 10,412,041
3L0	195-612	Community Services Block Grant	$ 20,090,000	$ 20,090,000
308	195-602	Appalachian Regional Commission	$ 650,000	$ 650,000

308	195-603	Housing and Urban Development	$	34,895,700	$	34,895,700
308	195-605	Federal Projects	$	7,871,000	$	7,855,501
308	195-609	Small Business Administration	$	3,701,900	$	3,701,900
308	195-616	Technology Programs	$	117,700	$	0
308	195-618	Energy Federal Grants	$	2,832,325	$	2,803,560
335	195-610	Oil Overcharge	$	8,500,000	$	8,500,000
380	195-622	Housing Development Operating	$	3,711,800	$	3,938,200
TOTAL FED Federal Special Revenue Fund Group			$	212,791,425	$	212,846,902
State Special Revenue Fund Group						
4F2	195-639	State Special Projects	$	1,530,000	$	1,030,100
4H4	195-641	First Frontier	$	1,000,000	$	1,000,000
4S0	195-630	Enterprise Zone Operating	$	323,079	$	323,355
4S1	195-634	Job Creation Tax Credit Operating	$	251,856	$	258,422
4W1	195-646	Minority Business Enterprise Loan	$	3,898,213	$	3,972,954
444	195-607	Water and Sewer Commission Loans	$	500,000	$	500,000
445	195-617	Housing Finance Agency	$	3,669,522	$	3,532,181
450	195-624	Minority Business Bonding Program Administration	$	12,644	$	12,947
451	195-625	Economic Development Financing Operating	$	1,906,075	$	1,970,014
586	195-653	Scrap Tire Loans and Grants	$	1,000,000	$	1,000,000
5F7	195-658	Local Government Y2K Loan Program	$	10,000,000	$	0
611	195-631	Water and Sewer Administration	$	15,000	$	15,000
617	195-654	Volume Cap Administration	$	200,000	$	196,640
646	195-638	Low and Moderate Income Housing Trust Fund	$	20,445,200	$	21,034,500
TOTAL SSR State Special Revenue Fund Group			$	44,751,589	$	34,846,113
Facilities Establishment Fund						
037	195-615	Facilities Establishment	$	53,970,000	$	55,481,100
4Z6	195-647	Rural Industrial Park Loan	$	1,000,000	$	1,000,000
5D1	195-649	Port Authority Bond Reserves	$	2,500,000	$	2,500,000
5D2	195-650	Urban Redevelopment Loans	$	10,000,000	$	10,000,000
5H1	195-652	Family Farm Loan	$	2,246,375	$	2,246,375
TOTAL 037 Facilities Establishment Fund			$	69,716,375	$	71,227,475
Coal Research/Development Fund						
046	195-632	Coal Research and Development Fund	$	12,276,000	$	12,570,624
TOTAL 046 Coal Research/ Development Fund			$	12,276,000	$	12,570,624
TOTAL ALL BUDGET FUND GROUPS			$	482,313,849	$	463,178,065

SECTION 37.01.

Washington Office

Of the foregoing appropriation items 195-100, Personal Services, 195-200, Maintenance, and 195-300, Equipment, no more than $335,700 in fiscal year 2000 and $335,700 in fiscal year 2001 may be transferred to the General Reimbursement Fund (Fund 685) to support the Washington Office. The transfer shall be made using an intrastate transfer voucher.

Thomas Edison Program

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of this program by the Technology Division.

Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than $2,363,000 in fiscal year 2000 and $2,363,000 in fiscal year 2001 shall be used for the Technology Division's operating expenses in administering this program.

Of the foregoing appropriation item 195-401, Thomas Edison Program, $2,000,000 in each fiscal year shall be used for the establishment of a new statewide Edison Center for Information Technology to be headquartered in Dayton. Of this amount, up to $300,000 in fiscal year 2000 may be used without a local matching grant requirement for planning for the center.

Of the foregoing appropriation item 195-401, Thomas Edison Program, $275,000 in each fiscal year shall be used for the BIOSTART Business Incubator.

Of the foregoing appropriation item 195-401, Thomas Edison Program, $500,000 in each fiscal year shall be used for cooperative technology clusters.

Of the foregoing appropriation item 195-401, Thomas Edison Program, $1,100,000 in each fiscal year shall be used for the Wright Technology Network.

SECTION 37.02.

Small Business Development

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of

small businesses are addressed.

The foregoing appropriation shall be used to provide grants to local organizations to support the operation of Small Business Development Centers, and other local economic development activity promoting small business and for the cost of administering the program. The centers shall provide technical, financial, and management consultation for small business, and facilitate access to state and federal programs. These funds shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and regulations and policy guidelines for these programs.

In addition, the Office of Small Business shall operate the One-Stop Business Permit Center, the Women's Business Resource Program, support government procurement assistance, and implement and coordinate the duties imposed on the Department of Development by Am. Sub. S.B. 239 of the 115th General Assembly.

Minority Business Development Division

Of the foregoing appropriation item 195-405, Minority Business Development Division, no less than $1,060,000 in each fiscal year shall be used to fund minority contractors and business assistance organizations. The Minority Business Development Division shall determine which cities need minority contractors and business assistance organizations by utilizing U.S. Census Bureau data and zip codes to locate the highest concentrations of minority businesses. The Minority Business Development Division shall also determine the numbers of minority contractors and business assistance organizations necessary and the amount of funding to be provided each. In addition, the Minority Business Development Division shall continue to plan and implement business conferences.

SECTION 37.03.

Transitional and Permanent Housing Program

Of the foregoing appropriation item 195-406, Transitional and Permanent Housing, the Office of Housing and Community Partnerships shall make grants to local governments and nonprofit organizations for the acquisition, rehabilitation, renovation, construction, conversion, operating, and supportive services costs for both new and existing transitional and/or permanent housing for the homeless.

Of the foregoing appropriation item 195-406, Transitional and Permanent Housing, at least seventy-five per cent shall be used to provide transitional housing for homeless families and individuals.

Coal Research Development

The foregoing appropriation item 195-408, Coal Research Development, shall be used for the administrative costs of the Coal Development Office within the Technology Division and for grants which encourage, promote, and assist the use of Ohio coal pursuant to section 1551.32 of the Revised Code.

Defense Conversion Assistance Program

The Director of Development may use the foregoing appropriation item 195-410, Defense Conversion Assistance Program, in accordance with existing program guidelines, and other resources as appropriate, for Ohio-based defense conversion projects and administrative support costs.

SECTION 37.04.

Business Development

The foregoing appropriation item 195-412, Business Development Grants, shall be used as an incentive for attracting and retaining business opportunities for the state. Any such business opportunity, whether new, expanding, or relocating in Ohio, is eligible for funding. The project must create or retain a significant number of jobs for Ohioans. Grant awards may be considered only when (1) the project's viability hinges on an award of 195-412, Business Development Grants, funds; (2) all other public or private sources of financing have been considered; or (3) the funds must act as a catalyst for the infusion into the project of other financing sources.

The department's primary goal shall be to award funds to political subdivisions of the state for off-site infrastructure improvements. In order to meet the particular needs of economic development in a region, the department may elect to award funds directly to a business for on-site infrastructure improvements. Infrastructure improvements are defined as improvements to water system facilities, sewer and sewage treatment facilities, electric or gas service facilities, rail facilities, site preparation, and parking facilities. The Director of Development may recommend the funds be used in an alternative manner when deemed appropriate to meet an extraordinary economic development opportunity or need.

The foregoing appropriation item 195-412, Business Development Grants, may be expended only after the submission of a request to the Controlling Board by the Department of Development outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board.

The foregoing appropriation item 195-412, Business Development Grants, may be used for, but is not limited to, construction, rehabilitation,

and acquisition projects for rail freight assistance as requested by the Department of Transportation. The Director of Transportation shall submit the proposed projects to the Director of Development for an evaluation of potential economic benefit.

SECTION 37.05.

First Frontier Match

The foregoing appropriation item 195-414, First Frontier Match, shall be used as matching funds to counties for the purpose of marketing state, regional, and/or local characteristics which may attract economic development. In each fiscal year, the Director of Development shall allocate no less than $400,000 of the foregoing appropriation to marketing programs by targeted counties, which are defined as counties that have a population of less than 175,000 residents. The balance of the appropriation may be used either for marketing programs by individual targeted counties or regional marketing campaigns, which are defined as marketing programs in which at least one targeted county is participating with one or more other targeted counties or larger counties. In the event that, during a fiscal year, targeted counties are unable to utilize the full amount of funds allocated by the director specifically for targeted county programs, the Director of Development may reallocate the unutilized balance of funds to regional marketing campaigns.

Regional Offices and Economic Development

The foregoing appropriation item 195-415, Regional Offices and Economic Development, shall be used for the operating expenses of the Economic Development Division and the Regional Economic Development Offices and for grants for cooperative economic development ventures.

Of the foregoing appropriation item 195-415, Regional Offices and Economic Development, $45,000 in each fiscal year shall be used for the Northeast Midwest Institute.

SECTION 37.06.

Governor's Office of Appalachian Ohio

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachian Ohio. Funds not expended for liaison and training activities may be expended for special project grants within the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of

Appalachia, up to $250,000 each fiscal year shall be used to match federal funds from the Appalachian Development Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, $1,000,000 in fiscal year 2000 shall be used for the Foundation for Appalachian Ohio. The foundation shall match the state's contribution on a dollar-for-dollar basis.

Urban/Rural Initiative

The foregoing appropriation item 195-417, Urban/Rural Initiative, shall be used to make grants in accordance with sections 122.19 to 122.22 of the Ohio Revised Code.

Technology Action

Prior to the release of funds from appropriation item 195-422, Technology Action, each grant award shall first obtain approval from eight members of the Technology Action Board and from the Controlling Board.

(A) The Technology Action Board shall consist of fourteen members appointed by the Governor, with the advice and consent of the Senate. Six members of this board shall be recognized technology and business leaders from the following sectors covering the state: Northeast, Southeast, Northwest, Central, Southwest, and the Miami Valley Area. One member shall come from the Wright Patterson Air Force Laboratory, one member from the NASA Glenn Research Center, one member from the Inter-University Council, and one member shall be the current Director of the Edison Centers Technology Council. The chair of the Technology Action Board shall be the Governor's Science and Technology Advisor, with staff and other support as needed from the Department of Development's Technology Division and from the Board of Regents' Academic and Access Division. In addition, the directors of development and transportation (or their designees), and the Chancellor of the Board of Regents (or designee) shall serve as ex-officio members of the board.

(B) The Technology Action Board, in accordance with Chapter 119. of the Revised Code, shall promulgate program rules and develop guidelines for the release of funds. Grant proposals shall be evaluated on, but not limited to, the following criteria:

(1) Applicants are leveraging federal and industrial support;

(2) The potential return on investment to the economy of the state;

(3) Projects are able to become independent of state funds within a short time period; and

(4) Focus on regional or statewide clusters of technology strength or needs.

Of the foregoing appropriation item 195-422, Technology Action, $250,000 in fiscal year 2000 shall be used for a strategic competitive study for Wright Patterson Air Force Base. These state funds shall leverage a minimum of $250,000 in matching funds for this purpose. The study shall be conducted by the Miami Valley Economic Development Coalition.

Of the foregoing appropriation item 195-422, Technology Action, not more than $100,000 in each fiscal year shall be used for operating expenditures in administering this program.

Of the foregoing appropriation item 195-422, Technology Action, $100,000 in each fiscal year shall be used for the Science and Technology Campus in Columbus.

SECTION 37.07.

Y2K Compliance

Within ten days after the effective date of this section, the Director of Budget and Management shall transfer $10,000,000 from General Revenue Fund appropriation item 195-429, Y2K Compliance, to State Special Revenue appropriation item 195-658, Local Government Y2K Loan Program (Fund 5F7), in fiscal year 2000.

Community Development Corporations

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, a portion of funds in each fiscal year of the biennium shall be used to make grants to the Ohio Community Development Finance Fund, a nonprofit corporation, in order to leverage private-sector funds to assist nonprofit development organizations to create affordable housing and permanent jobs in distressed areas of the state. The remaining moneys shall be used to provide funds to assist local community development corporations to develop affordable housing programs and economic development programs in their neighborhoods, and for operating costs.

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, no less than $100,000 in each fiscal year shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations in underserved areas of the state. For grants awarded in each fiscal year of the biennium, priority shall be given to proposals submitted by nonprofit development organizations from underserved areas of the state.

SECTION 37.08.

International Trade

The foregoing appropriation item 195-432, International Trade, shall be used to operate and to maintain Ohio's out-of-state trade offices.

The Director of Development may enter into contracts with foreign nationals to staff foreign offices. Such contracts may be paid in local currency or United States currency and shall be exempt from the provisions of section 127.16 of the Revised Code. The director may also establish foreign currency accounts in accordance with section 122.05 of the Revised Code for the payment of expenses related to the operation and maintenance of these foreign trade offices.

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and assist Ohio manufacturers and agricultural producers exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to $25,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

SECTION 37.09.

Ohio Industrial Training Program

The foregoing appropriation item 195-434, Industrial Training Grants, shall be used to promote industrial training through training grants for the reimbursement of eligible training expenses.

SECTION 37.10.

Emergency Shelter Housing Grants

(A) As used in this section, "emergency shelter housing" means a structure suitable for the temporary housing of the homeless and the provision of, or referral to, supportive services. Shelters that restrict admission to victims of domestic violence, runaways, or alcohol or substance abusers shall not be considered emergency shelter housing.

(B) The foregoing appropriation item 195-440, Emergency Shelter Housing Grants, shall be used by the Office of Housing and Community Partnerships in the Department of Development to make grants to private, nonprofit organizations to provide emergency shelter housing for the homeless. The department shall distribute the grants pursuant to rules adopted by the Director of Development. The director may amend or rescind such rules and may adopt other rules necessary to implement this section. In awarding grants, the department shall give preference to organizations applying to fund existing emergency shelter housing.

The department shall notify each organization that applied for a grant under this section of the amount of its grant award, if any. To receive a grant, the organization shall provide matching funds equal to fifty per cent of the total grant it was awarded. The organization shall expend its grant for shelter operations and supportive services, which include employment assistance, case management, information and referral services, transportation, and clothing. In providing employment assistance, the organization shall, at a minimum, refer persons to the Ohio Bureau of Employment Services.

Low and Moderate Income Housing

The Director of Budget and Management, in consultation with the Director of Development, shall use $7,760,000 in each fiscal year to support low- and moderate-income housing activities. No less than $250,000 per year shall be used from either appropriation item 195-441, Low and Moderate Income Housing, or appropriation item 195-638, Low and Moderate Income Housing Trust Fund, for the Migrant Housing Labor Camp Improvements Program. Up to $7,760,000 in each fiscal year shall be transferred from appropriation item 195-441, Low and Moderate Income Housing, to appropriation item 195-638, Low and Moderate Income Housing Trust Fund.

HEAP Weatherization

Fifteen per cent of the federal funds received by the state for the Home Energy Assistance Block Grant shall be deposited in the Department of Development's Federal Special Revenue Fund (Fund 3K9) and shall be used to provide home weatherization services in the state.

SECTION 37.11.

Travel and Tourism Grants

The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, up to $200,000 in each fiscal year of the biennium may be used to support the outdoor dramas Trumpet in the Land, Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; $5,000 in each fiscal year shall go to the Lake County Visitors Bureau; $50,000 in fiscal year 2000 shall go to the Mariemont Seventy-Fifth Anniversary Commemorative and Renewal Project; $25,000 in each fiscal year shall go to the Underground Railroad Freedom Center, Family History Documentation Program; $50,000 in each fiscal year shall go to the Cincinnati Ballet; $25,000 in each fiscal year shall

go to the Ohio River Scenic Trails; $75,000 in each fiscal year shall go to the Cincinnati Film Commission; $75,000 in each fiscal year shall go to the Greater Cleveland Media Development Corporation; $100,000 in fiscal year 2000 for the 1999 AAU Junior Olympics Cleveland Committee, Inc.; $150,000 in fiscal year 2000 for the United States International Air and Trade Show in Dayton; $100,000 in each fiscal year for the Ohio Heritage Area Program; $40,000 in fiscal year 2000 for the River Edges New Environment Renewal Plan in Warren; $25,000 in fiscal year 2000 for the Tall Stacks 99 riverboat festival in Cincinnati; and $875,000 in fiscal year 2000 and $1,000,000 in fiscal year 2001 shall be used for grants to the International Center for the Preservation of Wild Animals.

SECTION 37.12.

Minority Business Enterprise Loan

All loan repayments from the Minority Development Financing Advisory Board loan program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury, to the credit of the Minority Business Enterprise Loan Fund (Fund 4W1).

All operating costs of administering the Minority Business Enterprise Loan Fund shall be paid from the Minority Business Enterprise Loan Fund (Fund 4WI).

Minority Business Bonding Fund

Notwithstanding Chapters 122., 169., and 175. of the Revised Code and other provisions of this act, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to $10,000,000 in the 1999-2001 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program pursuant to section 169.05 of the Revised Code. The transfer of any cash by the Director of Commerce from the Department of Development's Minority Business Bonding Fund (Fund 543) to the Department of Development's Minority Business Bonding Fund (Fund 449) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after the $2,700,000 transferred to the Minority Business Bonding Program by the Controlling Board in 1983 has been used for that purpose. Moneys transferred by the Director of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195-623, Minority Business Bonding Contingency in the

Minority Business Bonding Fund, and such amounts are hereby appropriated.

Minority Business Bonding Program Administration

Investment earnings of the Minority Business Bonding Fund (Fund 449) shall be credited to the Minority Business Bonding Program Administration Fund (Fund 450).

SECTION 37.13.

Economic Development Financing Operating

The foregoing appropriation item 195-625, Economic Development Financing Operating, shall be used for the operating expenses of financial assistance programs authorized under Chapter 166. of the Revised Code and under sections 122.43 and 122.45 of the Revised Code.

All Loan and Grant Programs

The Department of Development shall continue to submit to the General Assembly, the Office of Budget and Management, and the Legislative Budget Office of the Legislative Service Commission by the first day of April of each year a report detailing the status of all open loans and grants made by the department and all loans and grants which have been closed out during the preceding calendar year. A grant shall be considered open for three years from the date it was awarded. The report shall identify, where applicable, the date of Controlling Board approval, the number of jobs estimated to be retained and created, and the number of people estimated to be trained, as well as the actual numbers realized to date. In addition, beginning on the first day of July of each year, the Department of Development shall also submit a quarterly report of the loans and grants which have been approved from the beginning of the current calendar year.

Rural Revitalization Task Force

In the 1999-2001 biennium, the department shall coordinate an effort to determine potential opportunities to enhance economic development activities in distressed rural communities.

SECTION 37.14.

Facilities Establishment Fund

The foregoing appropriation item 195-615, Facilities Establishment Fund (Fund 037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to $1,600,000 may be transferred each fiscal year from the Facilities Establishment Fund

(Fund 037) to the Economic Development Financing Operating Fund (Fund 451). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to $3,800,000 may be transferred in each fiscal year of the biennium from the Facilities Establishment Fund (Fund 037) to the Minority Business Enterprise Loan Fund (Fund 4W1). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to $5,000,000 cash may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Port Authority Bond Reserves Fund (Fund 5D1) for use by any port authority in establishing or supplementing bond reserve funds for any bond issuance permitted under Chapter 4582. of the Revised Code. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, a provision that no port authority shall receive more than $2,000,000. The transfer and release of funds are subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, up to $20,000,000 cash may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state assistance is committed to a project.

Family Farm Loan Program

Notwithstanding Chapter 166. of the Revised Code, up to $2,500,000 shall be transferred during the biennium from moneys in the Facilities Establishment Fund (Fund 037) to the Family Farm Loan Fund (Fund 5H1) in the Department of Development. These moneys shall be used for loan guarantees. The transfer is subject to Controlling Board approval.

Financial assistance from the Family Farm Loan Fund shall be repaid to Fund 5H1. This fund is established in accordance with sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code.

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, all outstanding balances, all loan repayments, and any other outstanding obligations shall revert to the Facilities Establishment Fund (Fund 037).

Scrap Tire Loans and Grants

On July 1, 1999, or as soon thereafter as possible, the Director of Development shall certify to the Director of Budget and Management the

balance in Fund 037, Facilities Establishment, for the Scrap Tire Loan and Grant Program. The Director of Budget and Management shall transfer the certified amount to Fund 586, Scrap Tire Loans and Grants. Any existing encumbrances in appropriation item 195-615, Facilities Establishment, for the Scrap Tire Loan and Grant Program shall be cancelled and reestablished against appropriation item 195-653, Scrap Tire Loans and Grants (Fund 586). These amounts are hereby appropriated.

SECTION 37.15.

Supportive Services

The Director of Development may assess divisions of the department for the cost of central service operations. Such an assessment shall be based on a plan submitted to and approved by the Office of Budget and Management by the first day of August of each fiscal year, and contain the characteristics of administrative ease and uniform application.

A division's payments shall be credited to the Supportive Services Fund (Fund 135) using an intrastate transfer voucher.

General Reimbursement

The foregoing appropriation item 195-636, General Reimbursements, shall be used for conference and subscription fees and other reimbursable costs. Revenues to the General Reimbursement Fund (Fund 685) shall consist of fees and other moneys charged for conferences, subscriptions, and other administrative costs that are not central service costs.

State Special Projects

The foregoing appropriation item 195-639, State Special Projects, shall be used as a general account for the deposit of private-sector funds from utility companies and other miscellaneous state funds. Private-sector moneys shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) market economic development opportunities in the state, and (3) leverage additional federal funds. State funds shall be used to match federal housing grants for the homeless.

Volume Cap Administration

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for administrative expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the custodial account.

SECTION 37.16.

Job Creation Planning Project

The Department of Development, with the collaboration of the Department of Human Services, shall establish a joint project to develop and implement ways to create at least one thousand new jobs in each of the following:

(A) Federal empowerment zones;

(B) Rural economically depressed counties.

Not later than December 31, 2000, the departments shall jointly issue a final report to the Welfare Oversight Committee that describes the activities undertaken pursuant to the joint project. The committee may require additional interim reports from the departments.

SECTION 37.17.

Local Government Y2K Loan Program

(A) To assure the continued coordination of local governments with each other and the state as reflected in section 122.011 of the Revised Code, the Department of Development shall administer the Local Government Y2K Loan Program, which is hereby created.

The purpose of the Local Government Y2K Loan Program is to assist county, municipal corporation, and township governments with computer system and related technical adaptations needed for the accurate reading of century dates. The Department of Development shall work closely with the Director of the Y2K Competency Center in the Department of Administrative Services and with the State and Local Government Commission to implement the program. The Y2K Competency Center shall provide technical oversight and review of Y2K loan proposals in accordance with Section 9.19 of this act. The State and Local Government Commission shall facilitate access and communications between program participants and program administrators pursuant to Section 94.01 of this act.

The Local Government Y2K Loan Program shall consist of the following three activities:

(1) Four million eight hundred thirty-seven thousand five hundred dollars shall be used for the County Y2K Loan Program to provide direct loans to counties to assist with county government projects. These loans, to be determined by a modified population-based formula, shall be administered by the Department of Development. The terms of a loan from this program shall be for a maximum period of two years, at a rate of zero per cent interest. One hundred per cent of the loan shall be repaid to the Department of Development, to the credit of the General Revenue Fund, within two years. Failure to repay the loan in accordance with the terms of

the agreement shall cause the Tax Commissioner to withhold one hundred per cent of the outstanding balance from Local Government Fund distributions, as prescribed in this act.

All loan agreements shall be executed before July 1, 2000, and no loan term shall extend beyond June 30, 2002. The Director of Budget and Management shall transfer any funds remaining in the account on July 1, 2000, to the General Revenue Fund.

(2) Up to $225,000 shall be made available to counties or to administering municipal corporations or townships to administer the Local Government Y2K Loan Programs. These amounts are to be determined on a modified population formula as used in the County Y2K Loan Program.

(3) Four million eight hundred thirty-seven thousand five hundred dollars shall be used for the Municipal and Township Y2K Loan Program to provide direct loans to municipal corporations and townships to assist with their government projects. These amounts shall be determined using the same modified population-based formula used for the County Y2K Loan Program. These loans shall be awarded by each participating county, or in the absence of such county by the municipal corporation or township with the largest population with that county, if such municipal corporation or township chooses to act as the administrator under the program established under this section. If a municipal corporation or township administers moneys under this section, it shall use not more than fifty per cent of the moneys distributed to it under both the County Y2K Loan Program and the Municipal and Township Y2K Loan Program for its own use. The administering municipal corporation or township shall use the criteria provided by the Y2K Competency Center as a guide in reviewing and recommending projects.

The terms of a loan from this program shall be for a maximum period of two years, at a rate of zero per cent interest. One hundred per cent of the loan shall be repaid to the administrating county, municipal corporation, or township within two years, to the credit of a Local Government Y2K Loan Repayment Fund. The administrating county, municipal corporation, or township shall immediately forward loan repayments to the Department of Development, which shall deposit the funds to the credit of the General Revenue Fund. Failure to repay a loan in accordance with the terms of the agreement shall cause the administrating county or municipality to notify the county auditor to withhold one hundred per cent of the outstanding balance from Local Government Fund distributions, as prescribed in this act.

All loan agreements shall be executed before July 1, 2000, and no loan term shall extend beyond June 30, 2002. The county auditor shall transfer

any funds remaining in the account on July 1, 2000, to the Department of Development, which shall deposit the funds to the credit of the General Revenue Fund.

Division (A) of this section does not apply after December 31, 2000.

(B) In the event that a County Y2K Loan remains outstanding beyond the term of the agreement, the Department of Development shall, within 15 days, certify to the Tax Commissioner the outstanding loan amount due. The Tax Commissioner shall then proceed to collect the outstanding amount over the ensuing six months by reducing the monthly county allocation of local government funds to that particular county by one-sixth of the amount certified until the loan balance becomes zero.

In the event that a municipal and township Y2K loan remains outstanding beyond the term of the agreement, the administrating county or municipality shall, within 15 days, certify to the county auditor and to the Department of Development the outstanding loan amount due. The county auditor shall then proceed to collect the outstanding amount over the ensuing six months by reducing the monthly county allocation of local government funds for that particular local government by one-sixth of the amount certified until the loan balance becomes zero. The county auditor shall immediately forward the local government fund withholdings as loan repayments to the Department of Development, which shall deposit the funds to the credit of the General Revenue Fund.

Division (B) of this section does not apply after June 30, 2002.

(C) The foregoing appropriation item 195-658, Local Government Y2K Loan Program, shall be used to assist counties, municipal corporations, and townships with the computer and software upgrades or purchases and with any other problems associated with the accurate reading of century dates, or Y2K compliance.

Of the foregoing appropriation item 195-658, Local Government Y2K Loan Program, up to $75,000 may be used to pay for technical assistance provided by the Department of Administrative Services Y2K Competency Center, and up to $25,000 may be used by the Department of Development to pay for loan administration services.

Division (C) of this section does not apply after December 31, 2000.

SECTION 38. OBD OHIO BOARD OF DIETETICS

General Services Fund Group				
4K9 860-609	Operating Expenses	$ 282,267	$	276,113
TOTAL GSF General Services Fund Group		$ 282,267	$	276,113
TOTAL ALL BUDGET FUND GROUPS		$ 282,267	$	276,113

SECTION 39. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT

General Revenue Fund				
GRF 145-401	Commission on Dispute Resolution/Management	$ 583,225	$	597,222
TOTAL GRF General Revenue Fund		$ 583,225	$	597,222
General Services Fund Group				
4B6 145-601	Gifts and Grants	$ 153,450	$	157,133
TOTAL GSF General Services Fund Group		$ 153,450	$	157,133
TOTAL ALL BUDGET FUND GROUPS		$ 736,675	$	754,355

Commission on Dispute Resolution/Management

The foregoing appropriation item 145-401, Commission on Dispute Resolution/Management, shall be used in each fiscal year by the Commission on Dispute Resolution and Conflict Management for the purpose of providing dispute resolution and conflict management training, consultation, and materials for state and local government, communities, school districts, courts and, in consultation with the Department of Education, for the purpose of offering competitive school conflict programs to school districts.

The Commission shall assist the Department of Education in the development and dissemination of the school conflict management programs to school districts.

SECTION 40. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK COMMISSION

General Revenue Fund				
GRF 374-100	Personal Services	$ 1,775,810	$	1,702,801
GRF 374-200	Maintenance	$ 847,878	$	868,227
GRF 374-300	Equipment	$ 49,038	$	50,214
GRF 374-401	Statehouse News Bureau	$ 265,507	$	271,880
GRF 374-404	Telecommunications Operating Subsidy	$ 5,349,336	$	5,723,791
TOTAL GRF General Revenue Fund		$ 8,287,569	$	8,616,913
General Services Fund Group				
4F3 374-603	Affiliate Services	$ 2,729,574	$	2,753,275
TOTAL GSF General Services Fund Group		$ 2,729,574	$	2,753,275
State Special Revenue Fund Group				
5D3 374-604	High Definition Television	$ 12,000,000	$	0
TOTAL SSR State Special Revenue Fund Group		$ 12,000,000	$	0

TOTAL ALL BUDGET FUND GROUPS	$ 23,017,143	$ 11,370,188

Statehouse News Bureau

The foregoing appropriation item 374-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.

Telecommunications Operating Subsidy

The foregoing appropriation item 374-404, Telecommunications Operating Subsidy, shall be distributed by the Ohio Educational Telecommunications Network Commission to Ohio's qualified public educational television stations, radio reading services, and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation developed by the Ohio Educational Telecommunications Network Commission.

Project Equity Fund

The Project Equity Fund (Fund 4F3) is hereby renamed the Affiliates Services Fund (Fund 4F3), and the Fees and Grants Fund (Fund 140) and the Fees and Grants Fund (Fund 463) are hereby abolished. On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances in the Fees and Grants Fund (Fund 140) and in the Fees and Grants Fund (Fund 463) to the Affiliates Services Fund (Fund 4F3). The director shall cancel any existing encumbrances against appropriation item 374-601, Fees and Grants (Fund 463), and reestablish them against appropriation item 374-603, Affiliates Services (Fund 4F3). The amounts of the reestablished encumbrances are hereby appropriated.

High Definition Television

The foregoing appropriation item 374-604, High Definition Television, shall be distributed by the Ohio Educational Telecommunications Network Commission to public television stations for the purchase of high definition television transmitter hardware. Distribution of moneys appropriated from Fund 5D3 shall require approval of the Controlling Board.

SECTION 41. ELC OHIO ELECTIONS COMMISSION

General Revenue Fund			
GRF 051-321	Operating Expenses	$ 423,950	$ 444,757
TOTAL GRF General Revenue Fund		$ 423,950	$ 444,757
State Special Revenue Fund Group			
4P2 051-601	Ohio Elections Commission Fund	$ 150,000	$ 150,000
TOTAL SSR State Special Revenue Fund Group		$ 150,000	$ 150,000
TOTAL ALL BUDGET FUND GROUPS		$ 573,950	$ 594,757

SECTION 42. FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

General Services Fund Group				
4K9 881-609	Operating Expenses	$ 472,893	$	472,893
TOTAL GSF General Services Fund Group		$ 472,893	$	472,893
TOTAL ALL BUDGET FUND GROUPS		$ 472,893	$	472,893

SECTION 43. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund				
GRF 125-321	Operating Expenses	$ 3,628,561	$	3,596,072
TOTAL GRF General Revenue Fund		$ 3,628,561	$	3,596,072
General Services Fund Group				
572 125-603	Training and Publications	$ 70,423	$	72,113
TOTAL GSF General Services Fund Group		$ 70,423	$	72,113
TOTAL ALL BUDGET FUND GROUPS		$ 3,698,984	$	3,668,185

Operating Expenses

Of the foregoing appropriation item 125-321, Operating Expenses, $17,023 in fiscal year 2000 and $34,182 in fiscal year 2001 shall be used to supplement funding of per diem costs for fact-finders.

Training and Publications Fund

Effective July 1, 1999, the Research and Training Fund (Fund 572) is hereby renamed the Training and Publications Fund (Fund 572), and the Transcript and Other Fund (Fund 440) is hereby abolished. On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Transcript and Other Fund (Fund 440) to the Training and Publications Fund (Fund 572). The director shall cancel any existing encumbrances against appropriation item 125-601, Transcript and Other (Fund 440), and reestablish them against appropriation item 125-603, Training and Publications (Fund 572). The amounts of the reestablished encumbrances are hereby appropriated.

SECTION 44. BES BUREAU OF EMPLOYMENT SERVICES

General Revenue Fund				
GRF 795-406	Workforce Development	$ 350,004	$	0
GRF 795-407	OBES Operating	$ 23,227,425	$	0
GRF 795-408	Labor Market Projections	$ 180,209	$	0
GRF 795-410	Women's Programs	$ 474,237	$	0
GRF 795-412	Prevailing Wage/Min. Wage	$ 2,366,897	$	0

		& Minors		
GRF	795-413	OSHA Match	$ 133,833	$ 0
GRF	795-414	Apprenticeship Council	$ 178,590	$ 0
GRF	795-417	Public Employment Risk Reduction Program	$ 1,324,292	$ 0
TOTAL GRF General Revenue Fund			$ 28,235,487	$ 0
Federal Special Revenue Fund Group				
3S9	795-620	TANF Employment and Training	$ 700,000	$ 0
331	795-601	Federal Operating	$ 112,769,618	$ 0
349	795-614	OSHA Enforcement	$ 1,293,258	$ 0
365	795-602	Job Training Program	$ 101,224,584	$ 0
TOTAL FED Federal Special Revenue Fund Group			$ 215,987,460	$ 0
State Special Revenue Fund Group				
4A9	795-607	Unemployment Compensation Administration Fund	$ 17,015,029	$ 0
4G1	795-610	Interagency Agreements	$ 607,279	$ 0
4R3	795-609	Banking Fees	$ 579,040	$ 0
5A5	795-616	Unemployment Compensation Benefit Automation	$ 6,705,016	$ 0
557	795-613	Apprenticeship Council Conference	$ 15,000	$ 0
TOTAL SSR State Special Revenue Fund Group			$ 24,921,364	$ 0
TOTAL ALL BUDGET FUND GROUPS			$ 269,144,311	$ 0

Administration Support Services

The Administrator of the Bureau of Employment Services may assess programs of the bureau for the cost of administration, support, and technical services. Such an assessment shall be based upon a plan submitted to and approved by the Office of Budget and Management by the first day of August of each fiscal year and shall contain the characteristics of administrative ease and uniform application. A program's payments shall be transferred via intrastate transfer voucher to the Unemployment Compensation Administration Fund (Fund 331).

Employer Surcharge

The surcharge and the interest on the surcharge amounts due for calendar years 1988, 1989, and 1990 as required by Am. Sub. H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118th General Assembly, and section 4141.251 of the Revised Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, shall be assessed and collected by, accounted for, and made available to the Administrator of the Bureau of Employment Services in the same manner as set forth in section 4141.251 of the Revised Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the repeal of the surcharge for calendar years after 1990, pursuant to Sub. H.B. 478 of the 122nd General

Assembly.

Federal Operating

From the foregoing appropriation item 795-601, Federal Operating, $707,513.42 represents the funds made available to this state under section 903 of the Social Security Act, as amended. This amount shall be used under the direction of the Bureau of Employment Services to pay for administration of the state's unemployment compensation law and public employment offices. No part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning on the effective date of this section.

SECTION 45. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

General Services Fund Group					
4K9	892-609	Operating Expenses	$ 884,949	$	927,525
TOTAL GSF General Services Fund Group			$ 884,949	$	927,525
TOTAL ALL BUDGET FUND GROUPS			$ 884,949	$	927,525

SECTION 46. EPA ENVIRONMENTAL PROTECTION AGENCY

General Revenue Fund					
GRF	715-501	Local Air Pollution Control	$ 1,295,661	$	1,331,940
GRF	716-321	Central Administration	$ 3,776,667	$	3,877,556
GRF	717-321	Water Quality Planning and Assessment	$ 8,707,106	$	8,947,356
GRF	718-321	Groundwater	$ 1,112,838	$	1,147,341
GRF	719-321	Air Pollution Control	$ 2,576,286	$	2,662,369
GRF	721-321	Public Water System Supervision	$ 2,791,652	$	2,879,263
GRF	723-321	Hazardous Waste	$ 232,835	$	250,883
GRF	724-321	Pollution Prevention	$ 716,856	$	819,356
GRF	725-321	Laboratory	$ 1,148,662	$	1,182,713
GRF	726-321	Emergency Response	$ 1,582,266	$	1,538,553
GRF	728-321	Environmental Financial Assistance	$ 25,499	$	30,137
GRF	729-321	Solid Waste	$ 61,568	$	72,766
TOTAL GRF General Revenue Fund			$ 24,027,896	$	24,740,233
General Services Fund Group					
199	715-602	Laboratory Services	$ 802,472	$	822,893
4A1	715-640	Operating Expenses	$ 3,876,896	$	4,019,750
TOTAL GSF General Services Fund Group			$ 4,679,368	$	4,842,643
Federal Special Revenue Fund Group					
3F2	715-630	Revolving Loan Fund - Operating	$ 3,680,500	$	3,716,000
3F3	715-632	Fed Supported Cleanup and	$ 3,064,631	$	4,464,910

		Response		
3F4	715-633	Water Quality Management	$ 727,000	$ 727,000
3F5	715-641	Nonpoint Source Pollution Management	$ 4,700,000	$ 5,300,000
3J1	715-620	Urban Stormwater	$ 500,000	$ 500,000
3J5	715-615	Maumee River	$ 153,680	$ 0
3K4	715-634	DOD Monitoring and Oversight	$ 718,301	$ 682,460
3K6	715-639	Remedial Action Plan	$ 750,000	$ 521,400
3M5	715-652	Haz Mat Transport Uniform Safety	$ 283,728	$ 284,493
3N1	715-655	Pollution Prevention Grants	$ 87,150	$ 25,000
3N4	715-657	DOE Monitoring and Oversight	$ 3,868,638	$ 3,883,118
3S4	715-653	Performance Partnership Grants	$ 13,795,906	$ 13,754,814
3T1	715-668	Rural Hardship Grant	$ 900,000	$ 100,000
352	715-611	Wastewater Pollution	$ 239,650	$ 240,425
353	715-612	Public Water Supply	$ 260,000	$ 260,000
356	715-616	Indirect Costs	$ 3,000,000	$ 3,000,000
357	715-619	Air Pollution Control	$ 388,750	$ 255,000
362	715-605	Underground Injection Control	$ 50,000	$ 0
TOTAL FED Federal Special Revenue Fund Group			$ 37,167,934	$ 37,714,620

State Special Revenue Fund Group

3T3	715-669	Drinking Water SRF	$ 5,414,115	$ 5,260,935
4C3	715-647	Central Support Indirect	$ 7,103,081	$ 7,150,702
4J0	715-638	Underground Injection Control	$ 347,808	$ 357,265
4K2	715-648	Clean Air - Non Title V	$ 2,882,688	$ 3,183,577
4K3	715-649	Solid Waste	$ 10,471,339	$ 10,779,003
4K4	715-650	Surface Water Protection	$ 7,117,576	$ 7,134,669
4K5	715-651	Drinking Water Protection	$ 4,344,761	$ 4,460,047
4P5	715-654	Cozart Landfill	$ 133,640	$ 137,382
4R5	715-656	Scrap Tire Management	$ 3,333,097	$ 2,441,618
4R9	715-658	Voluntary Action Program	$ 771,406	$ 801,634
4T3	715-659	Clean Air Title V Permit Program	$ 16,254,785	$ 17,466,741
4U7	715-660	Construction & Demolition Debris	$ 122,000	$ 127,500
5H4	715-664	Groundwater Support	$ 1,383,904	$ 1,412,845
500	715-608	Immediate Removal Special Account	$ 800,390	$ 601,597
503	715-621	Hazardous Waste Facility Management	$ 8,219,531	$ 8,283,100
503	715-662	Hazardous Waste Facility Board	$ 654,214	$ 641,903
505	715-623	Hazardous Waste Cleanup	$ 12,914,553	$ 11,881,897
541	715-670	Environmental Protection Remediation Fund	$ 2,417,353	$ 2,024,727
542	715-671	Risk Management Reporting	$ 480,200	$ 480,200
592	715-627	Anti-Tampering Settlement	$ 16,530	$ 15,334
6A1	715-645	Environmental Education	$ 2,137,081	$ 2,138,253

602	715-626	Motor Vehicle Inspection and Maintenance	$ 2,630,980	$ 2,474,801
644	715-631	ER Radiological Safety	$ 183,380	$ 184,893
660	715-629	Infectious Wastes Management	$ 127,849	$ 131,251
676	715-642	Water Pollution Control Loan Administration	$ 100,000	$ 1,060,000
678	715-635	Air Toxic Release	$ 355,457	$ 370,598
679	715-636	Emergency Planning	$ 1,897,343	$ 1,950,986
696	715-643	Air Pollution Control Administration	$ 765,621	$ 790,153
699	715-644	Water Pollution Control Administration	$ 487,633	$ 500,384
TOTAL SSR State Special Revenue Fund Group			$ 93,868,315	$ 94,243,995
TOTAL ALL BUDGET FUND GROUPS			$ 159,743,513	$ 161,541,491

Central Support Indirect Chargeback

The Environmental Protection Agency, with approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Operating Expenses Fund (Fund 4A1). The methodology used shall contain the characteristics of administrative ease and uniform application. Payments to the Operating Expenses Fund (Fund 4A1) shall be made using an intrastate transfer voucher.

Memorandum of Understanding

Due to the competitive economic forces of Ohio's bordering states, the Director of the Environmental Protection Agency should actively pursue a memorandum of understanding with the United States Environmental Protection Agency for the Voluntary Action Program in Ohio. A memorandum of understanding will raise the level of comfort and protection for participants in the Voluntary Action Program, with the goal of attracting economic development and enhancing environmental protection.

Scrap Tire Transfers

Not later than September 1, 1999, the Director of Environmental Protection shall transfer cash in the amount of $400,000 from the Scrap Tire Management Fund (Fund 4R5) to the Department of Development Scrap Tire Loans and Grants Fund (Fund 586). The transfer will reimburse the Department of Development for expenditures made for a tire development and reprocessing project. This payment is in lieu of the fiscal year 1998 funding for the Scrap Tire Development and Reprocessing Project prescribed in Section 58 of Am. Sub. H.B. 215 of the 122nd General Assembly.

Notwithstanding division (G)(3) of section 3734.82 of the Revised Code, not later than March 1, 2000, the Director of Environmental Protection, with the concurrence of the Director of Development, shall

certify to the Director of Budget and Management the amount overpaid in prior fiscal years to the Scrap Tire Management Fund and transferred to the Department of Development. In fiscal years 2000 and 2001, the Director of Environmental Protection shall request that the Director of Budget and Management transfer $1,000,000, prescribed in division (G)(3) of section 3734.82 of the Revised Code, less one-half of the amount of the certified overpayment from the Scrap Tire Management Fund (Fund 4R5) to the Scrap Tire Loans and Grants Fund (Fund 586).

Ashtabula River Project

The Director of Environmental Protection, with the approval of the Director of Budget and Management, shall transfer cash in an amount not to exceed $4,000,000 in fiscal year 2000 and an amount not to exceed $3,000,000 in fiscal year 2001 from the Hazardous Waste Cleanup Fund (Fund 505) to the Environmental Protection Remediation Fund (Fund 541). The amounts of the cash transferred is hereby appropriated.

Toussaint River Project

Of the foregoing appropriation item 717-321, Water Quality Planning and Assessment, $100,000 in fiscal year 2000 shall be used for the Toussaint River Ordinance Clean-Up Project.

Areawide Planning Agencies

Of the foregoing appropriation item, 717-321, Water Quality Planning and Assessment, $450,000 in fiscal year 2000 and $450,000 in fiscal year 2001 shall be divided evenly between the following six areawide planning agencies: Eastgate Development and Transportation Agency, Toledo Metropolitan Area Council of Governments, Northeast Ohio Four County Regional Planning and Development Organization, Northeast Ohio Areawide Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of Governments, and Miami Valley Regional Planning Commission.

Study of Division of Surface Water and Division of Air Pollution Control

The Director of Environmental Protection shall conduct a study of the operations of the Division of Surface Water and the Division of Air Pollution Control in the Environmental Protection Agency and make recommendations for improving efficiencies within those divisions. The study may address the following topics:

(1) Standardization of permit application requirements;

(2) Computerization of information regarding the status of permit applications, and the ability of permit applicants to access that information;

(3) Definition and coordination of the roles of agency district offices and the central office in the permitting process;

(4) Review of unwritten division policies and determination of which of those policies should be adopted as rules;

(5) Determination of the efficiency of implementing permits by rule and general permits.

The director shall submit a report containing the findings of the study and recommendations to the Governor, the Director of Budget and Management, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives not later than June 30, 2000. The report shall include recommendations concerning resource allocation, staff utilization, fee structures, and permit processing as well as plans for the implementation of the recommendations to improve operational efficiency.

SECTION 47. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

General Revenue Fund

GRF	172-321	Operating Expenses	$ 463,373	$ 464,059
TOTAL GRF General Revenue Fund			$ 463,373	$ 464,059
TOTAL ALL BUDGET FUND GROUPS			$ 463,373	$ 464,059

SECTION 48. ETH OHIO ETHICS COMMISSION

General Revenue Fund

GRF	146-321	Operating Expenses	$ 1,312,468	$ 1,304,989
TOTAL GRF General Revenue Fund			$ 1,312,468	$ 1,304,989

General Services Fund Group

4M6	146-601	Operating Expenses	$ 338,667	$ 363,766
TOTAL GSF General Services Fund Group			$ 338,667	$ 363,766
TOTAL ALL BUDGET FUND GROUPS			$ 1,651,135	$ 1,668,755

SECTION 49. EXP OHIO EXPOSITIONS COMMISSION

General Revenue Fund

GRF	723-403	Junior Fair Subsidy	$ 500,000	$ 525,000
GRF	723-404	State Fair Reserve	$ 700,000	$ 0
TOTAL GRF General Revenue Fund			$ 1,200,000	$ 525,000

State Special Revenue Fund Group

506	723-601	Operating Expenses	$ 13,483,707	$ 13,945,497
4N2	723-602	Ohio State Fair Harness Racing	$ 475,000	$ 500,000
640	723-603	State Fair Reserve	$ 700,000	$ 0
TOTAL SSR State Special Revenue Fund Group			$ 14,658,707	$ 14,445,497
TOTAL ALL BUDGET FUND GROUPS			$ 15,858,707	$ 14,970,497

State Fair Reserve

Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer $700,000 in cash by intrastate transfer voucher from appropriation item 723-404 to Fund 640, State Fair Reserve, which is hereby created.

The foregoing appropriation item 723-603, State Fair Reserve, shall serve as a budget reserve fund for the Ohio Expositions Commission in the event of a significant decline in attendance due to inclement weather or extraordinary circumstances during the Ohio State Fair and resulting in a loss of revenue. The State Fair Reserve may be used by the Ohio Expositions Commission to pay bills resulting from the Ohio State Fair only if all the following criteria are met:

(A) Admission revenues for the 1999 Ohio State Fair are less than $2,580,000 or admission revenues for the 2000 Ohio State Fair are less than $2,660,000 due to inclement weather or extraordinary circumstances. These amounts are ninety per cent of the projected admission revenues for each year.

(B) The Ohio Expositions Commission declares a state of fiscal exigency and requests release of funds by the Director of Budget and Management.

(C) The Director of Budget and Management releases the funds. The Director of Budget and Management may approve or disapprove the request for release of funds, may increase or decrease the amount of release, and may place such conditions as the director deems necessary on the use of the released funds. The Director of Budget and Management may transfer appropriation authority from fiscal year 2000 to fiscal year 2001 as needed.

SECTION 50. GOV OFFICE OF THE GOVERNOR

General Revenue Fund

GRF	040-321	Operating Expenses	$ 4,621,451	$	4,764,041
GRF	040-403	National Governors Conference	$ 170,848	$	175,973
GRF	040-408	Office of Veterans' Affairs	$ 266,938	$	274,866
TOTAL GRF General Revenue Fund			$ 5,059,237	$	5,214,880
General Services Fund Group					
412	040-607	Notary Commission	$ 156,666	$	161,289
TOTAL GSF General Services Fund Group			$ 156,666	$	161,289
TOTAL ALL BUDGET FUND GROUPS			$ 5,215,903	$	5,376,169

Appointment of Legal Counsel for the Governor

The Governor may expend a portion of the foregoing appropriation item 040-321, Operating Expenses, to hire or appoint legal counsel to be used in

proceedings involving the Governor in the Governor's official capacity or the Governor's office only, without the approval of the Attorney General, notwithstanding sections 109.02 and 109.07 of the Revised Code.

SECTION 51. DOH DEPARTMENT OF HEALTH

General Revenue Fund

GRF	440-402	Osteoporosis Awareness	$	50,000	$	50,000
GRF	440-406	Hemophilia Services	$	1,281,645	$	1,281,763
GRF	440-407	Encephalitis Control Project	$	252,945	$	256,462
GRF	440-412	Cancer Incidence Surveillance System	$	877,770	$	878,159
GRF	440-413	Ohio Health Care Policy and Data	$	3,906,678	$	3,906,678
GRF	440-416	Child and Family Health Services	$	11,944,622	$	11,755,121
GRF	440-418	Immunizations	$	7,448,718	$	8,127,487
GRF	440-424	Kid's Card	$	250,000	$	250,000
GRF	440-430	Adult Care Facilities	$	1,887,095	$	1,869,142
GRF	440-439	Nursing Home Survey and Certification	$	3,158,342	$	3,236,913
GRF	440-444	AIDS Prevention/AZT	$	8,103,789	$	8,807,580
GRF	440-445	Nurse Aide Program	$	636,819	$	638,819
GRF	440-451	Prevention	$	6,301,944	$	7,295,803
GRF	440-452	Child and Family Health Care Operations	$	1,018,628	$	1,007,874
GRF	440-453	Quality Assurance	$	6,091,832	$	6,114,889
GRF	440-457	Services to State Employees	$	139,297	$	138,800
GRF	440-459	Ohio Early Start	$	12,392,845	$	12,393,128
GRF	440-461	Vital Statistics	$	3,679,597	$	3,643,936
GRF	440-501	Local Health Districts	$	4,059,968	$	4,157,407
GRF	440-504	Poison Control Network	$	447,000	$	451,728
GRF	440-505	Medically Handicapped Children	$	12,533,049	$	12,533,049
GRF	440-506	Tuberculosis	$	199,025	$	203,801
GRF	440-507	Cystic Fibrosis	$	799,968	$	800,136
GRF	440-508	Migrant Health	$	125,460	$	128,471
GRF	440-509	Health Services Agencies	$	300,000	$	150,000
GRF	440-510	Arthritis Care	$	321,783	$	329,505
TOTAL GRF General Revenue Fund			$	88,208,819	$	90,406,651

General Services Fund Group

142	440-618	General Operations	$	3,661,794	$	3,395,177
211	440-613	Central Support Indirect Costs	$	24,374,512	$	25,014,398
473	440-622	Lab Operating Expenses	$	3,788,586	$	3,843,985
683	440-633	Employee Assistance Program	$	1,143,630	$	1,114,876
698	440-634	Nurse Aide Training	$	300,000	$	307,800
TOTAL GSF General Services Fund Group			$	33,268,522	$	33,676,236

Federal Special Revenue Fund Group

320	440-601	Maternal Child Health Block Grant	$	26,200,000	$	26,855,000

387	440-602	Preventive Health Block Grant	$	8,786,601	$	8,786,601
389	440-604	Women, Infants, and Children	$	177,000,000	$	177,000,000
391	440-606	Medicaid/Medicare	$	19,859,644	$	20,361,094
392	440-618	General Operations	$	63,328,268	$	64,876,942
TOTAL FED Federal Special Revenue Fund Group			$	295,174,513	$	297,879,637
State Special Revenue Fund Group						
4D6	440-608	Genetics Services	$	2,596,700	$	2,658,220
4F9	440-610	Sickle Cell Disease Control	$	966,867	$	988,347
4G0	440-636	Heirloom Birth Certificate	$	135,206	$	138,853
4G0	440-637	Birth Certificate Surcharge	$	51,400	$	52,839
4L3	440-609	Miscellaneous Expenses	$	445,000	$	445,000
4T4	440-603	Child Highway Safety	$	210,836	$	214,523
4V6	440-641	Save Our Sight	$	800,000	$	800,000
470	440-618	General Operations	$	12,541,756	$	12,320,915
471	440-619	Certificate of Need	$	321,962	$	330,371
477	440-627	Medically Handicapped Children Audit	$	1,600,000	$	1,600,000
5B5	440-616	Quality, Monitoring, and Inspection	$	740,973	$	759,670
5C0	440-615	Alcohol Testing and Permit	$	1,305,067	$	1,325,113
5C1	440-642	TANF Family Planning	$	250,000	$	250,000
5D6	440-620	Second Chance Trust	$	787,316	$	814,016
5E1	440-624	Health Services	$	2,450,000	$	2,000,000
610	440-626	Radiation Emergency Response	$	920,982	$	921,584
666	440-607	Medically Handicapped Children-County Assessments	$	14,433,293	$	14,039,889
TOTAL SSR State Special Revenue Fund Group			$	40,557,358	$	39,659,340
Holding Account Redistribution Fund Group						
R14	440-631	Vital Statistics	$	68,691	$	68,691
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	$	10,280	$	10,280
TOTAL 090 Holding Account Redistribution Fund Group			$	78,971	$	78,971
TOTAL ALL BUDGET FUND GROUPS			$	457,288,183	$	461,700,835

Hemophilia Services

Of the foregoing appropriation item 440-406, Hemophilia Services, $205,000 in each fiscal year shall be used to implement the Hemophilia Insurance Pilot Project.

Of the foregoing appropriation item 440-406, Hemophilia Services, $235,000 in fiscal year 2000 and $245,000 in fiscal year 2001 shall be used by the Department of Health to provide grants to the nine hemophilia treatment centers to provide prevention services for persons with hemophilia and their family members affected by AIDS and other bloodborne pathogens.

Cancer Registry System

Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, $50,000 in each fiscal year shall be provided to the Northern Ohio Cancer Resource Center.

The remaining moneys in appropriation item 440-412, Cancer Incidence Surveillance System, shall be used to maintain and operate the Ohio Cancer Incidence Surveillance System pursuant to sections 3701.261 to 3701.263 of the Revised Code.

No later than March 1, 2002, the Ohio Cancer Incidence Surveillance Advisory Board shall report to the General Assembly on the effectiveness of the cancer incidence surveillance system and the partnership between the Department of Health and the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute of The Ohio State University.

Health Care Policy and Data

From the foregoing appropriation item 440-413, Ohio Health Care Policy and Data, $750,000 in each fiscal year shall be used for grants that enhance the quality and delivery of public and/or private health services. Funds shall be distributed by the Director of Health for a period of up to two years. The funds granted by the Department of Health or other state dollars shall constitute no more than 50 per cent of the total cost of the program or project. The grantees shall use data collection and analysis, community health needs assessments, and outcome measurement to achieve the goals of the program or project. Funded programs and projects shall demonstrate collaborative activities between public health agencies and organizations, provider alliances and organizations, and/or providers of acute health care services.

Child and Family Health Services

Of the foregoing appropriation item 440-416, Child and Family Health Services, $1,700,000 in each fiscal year shall be used for family planning services. None of the funds received through these family planning grants shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for referrals for abortion, except in the case of a medical emergency. These funds shall be distributed on the basis of the relative need in the community served by the Director of Health to family planning programs, which shall include family planning programs funded under Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and Title X of the "Public Health Services Act," 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to other family planning programs which the Department of Health also determines will provide services that do not include referrals for abortion, other than in the case of medical emergency, with state moneys, but that

otherwise substantially comply with the quality standards for such programs under Title V and Title X.

The Director of Health shall, by rule, provide reasonable methods by which a grantee wishing to be eligible for federal funding may comply with these requirements for state funding without losing its eligibility for federal funding.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $150,000 in each fiscal year shall be used to provide malpractice insurance for physicians and other health professionals providing prenatal services in programs funded by the Department of Health.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $650,000 in each fiscal year shall be used for the Help Me Grow program.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $200,000 shall be used in each fiscal year for the OPTIONS dental care access program.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $600,000 in each fiscal year shall be used by local Child and Family Health Services Clinics to provide services to uninsured low-income persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $900,000 in each fiscal year shall be used by Federally Qualified Health Centers and federally designated look-alikes to provide services to uninsured low-income persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $25,000 in fiscal year 2000 shall be provided to the Cincinnati Down Syndrome Association.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $40,000 in each fiscal year shall be provided to the Wellness Community Center.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $100,000 in fiscal year 2000 shall be provided to the Marietta Community Nutrition Program for Children in Washington County.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $55,000 in each fiscal year shall be provided to the Miami Valley Youth Health Improvement Coalition.

Of the foregoing appropriation item 440-416, Child and Family Health Services, $50,000 in fiscal year 2000 shall be used for the Harrison Hills Clean Air Project.

HIV/AIDS Prevention/Protease Inhibitors

Of the foregoing appropriation item 440-444, AIDS Prevention/AZT, $4.4 million in fiscal year 2000 and $5.0 million in fiscal year 2001 shall be used to assist persons with HIV/AIDS in acquiring protease inhibitor drugs.

Of the foregoing appropriation item 440-444, AIDS Prevention/AZT, $124,500 in each fiscal year shall be used for the AIDS Drug Reimbursement Program pursuant to section 3701.241 of the Revised Code and Title XXVI of the "Public Health Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. The Department of Health is authorized to adopt rules pursuant to Chapter 119. of the Revised Code as necessary for the administration of the program.

Prevention

Of the foregoing appropriation item 440-451, Prevention, $100,000 shall be used in each fiscal year for rape prevention programs.

Of the foregoing appropriation item 440-451, Prevention, $450,000 in fiscal year 2001 shall be used for rabies prevention.

Ohio Early Start

Of the foregoing appropriation item 440-459, Ohio Early Start, $5.9 million in fiscal year 2000 and $6.0 million in fiscal year 2001 shall be used for Welcome Home services that include home visits by registered nurses to first-time and teen parents.

The remaining moneys in appropriation item 440-459, Ohio Early Start, shall be used to provide services to children under age three who are at risk of developmental delay or child abuse and neglect. The appropriation shall be allocated with the approval of the Family and Children First Cabinet Council and pursuant to rules adopted in accordance with Chapter 119. of the Revised Code.

Poison Control Network

Of the foregoing appropriation item 440-504, Poison Control Network, all available funds in each fiscal year shall be used by the Department of Health for grants to the consolidated Ohio Poison Control Center to provide poison control services to Ohio citizens.

Tuberculosis

The foregoing appropriation item 440-506, Tuberculosis, shall be used to make payments to counties pursuant to section 339.43 of the Revised Code.

Health Services Agencies

The foregoing appropriation item 440-509, Health Services Agencies, shall be used as supplemental General Revenue Fund subsidy funding for the seven health service agencies that are active upon the effective date of this section. It is the intent of the General Assembly to phase out General

Revenue Fund subsidy funding for health service agencies over the course of the biennium beginning July 1, 1999, and to terminate such GRF subsidy funding with the biennium beginning July 1, 2001.

Maternal Child Health Block Grant

Of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), $2,091,299 shall be used in each fiscal year for the purposes of abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. Such guidelines shall be pursuant to Title V of the "Social Security Act," 42 U.S.C.A. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations.

A portion of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), may be used to ensure that current information on sudden infant death syndrome is available for distribution by local health districts.

Genetics Services

The foregoing appropriation item 440-608, Genetics Services (Fund 4D6), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code.

Sickle Cell Fund

The foregoing appropriation item 440-610, Sickle Cell Disease Control (Fund 4F9), shall be used by the Department of Health to administer programs authorized by section 3701.131 of the Revised Code. The source of the funds is as specified in section 3701.23 of the Revised Code.

Osteoporosis Awareness Program

Grants from pharmaceutical companies, and others, for the purpose of osteoporosis awareness shall be deposited in Fund 4L3, Non-Governmental Revenue, and shall be used, along with appropriations item 440-402, Osteoporosis Awareness (GRF), by the Office of Women's Health Initiatives to implement an Osteoporosis Awareness Program.

Medically Handicapped Children Audit

The Medically Handicapped Children Audit Fund (Fund 477) shall receive revenue from audits of hospitals and recoveries from third-party payors. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payors and for encouraging Program for Medically Handicapped Children recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised

Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis.

TANF Family Planning

The Director of Budget and Management shall transfer by ISTV, no later than 15 days after the effective date of this section, cash from the General Revenue Fund, appropriation item 400-410, TANF State, to State Special Revenue Fund 5C1 in the Department of Health, in an amount of $250,000 in fiscal year 2000~~. These funds are to be appropriated in appropriation item 440-642, TANF Family Planning,~~ for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

The Director of Budget and Management shall transfer by ISTV, no later than July 15, 2000, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to State Special Revenue Fund 5C1 in the Department of Health, in an amount of $250,000 in fiscal year 2001~~. These funds are to be appropriated in appropriation item 440-642, TANF Family Planning,~~ for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the Community Services Block Grant Act, 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Rabies Prevention

The foregoing appropriation item 440-624, Health Services (Fund 5E1), shall be used for rabies prevention.

Medically Handicapped Children - County Assessments

The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments pursuant to division (E) of section 3701.023 of the Revised Code.

Cash Transfer from Liquor Control Fund to Alcohol Testing and Permit Fund

The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.

The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) established in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.

Indigent Persons Care Study

Before December 31, 1999, the Department of Health shall submit a report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, the Minority Leader of the Senate, the Legislative Budget Office of the Legislative Service Commission, and the Office of Budget and Management. The report shall include findings based on the data collected between July 1, 1997, and June 30, 1999, regarding the number of indigent persons involved in motor vehicle accidents, the cost of the indigent persons' medical care, and how the care was paid for.

SECTION 52. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund

GRF 148-100	Personal Services	$ 173,950	$	178,125
GRF 148-200	Maintenance	$ 37,422	$	38,320
TOTAL GRF General Revenue Fund		$ 211,372	$	216,445

General Services Fund Group

601 148-602	Gifts and Miscellaneous	$ 8,107	$	8,302
TOTAL GSF General Services Fund Group		$ 8,107	$	8,302
TOTAL ALL BUDGET FUND GROUPS		$ 219,479	$	224,747

Resource Utilization Study

The Commission on Hispanic/Latino Affairs shall explore with the University of Toledo, or any other state university or college, better options for utilizing the state resources provided to the commission. The commission shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate by December 31, 2000.

SECTION 53. OHS OHIO HISTORICAL SOCIETY

General Revenue Fund

GRF 360-501	Operating Subsidy	$ 3,871,946	$	3,964,872
GRF 360-502	Site Operations	$ 7,713,699	$	7,406,284
GRF 360-503	Ohio Bicentennial Commission	$ 1,271,155	$	1,208,063
GRF 360-504	Ohio Preservation Office	$ 418,507	$	426,824
GRF 360-505	Afro-American Museum	$ 1,113,603	$	1,140,329
GRF 360-506	Hayes Presidential Center	$ 751,229	$	769,258

GRF	360-508	Historical Grants	$	3,017,000	$ 600,000
GRF	360-509	Adena Visitor Center and Grounds	$	1,200,000	$ 0
GRF	360-511	Battle Flags Restoration	$	125,000	$ 125,000
TOTAL GRF General Revenue Fund			$	19,482,139	$ 15,640,630
TOTAL ALL BUDGET FUND GROUPS			$	19,482,139	$ 15,640,630

Subsidy Appropriation

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio Historical Society in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the society for fiscal years 2000 and 2001 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. The society shall prepare and submit to the Office of Budget and Management the following:

(A) An estimated operating budget for each fiscal year of the biennium. The operating budget shall be submitted at or near the beginning of each year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.

Study to Determine Digitizing Costs

The Ohio Historical Society, with the assistance of the Department of Administrative Services and the cooperation of the Department of Health when relevant, shall conduct a study to determine the feasibility, advisability, reasonable timelines, and probable costs of digitizing its archives and library records, the birth and death records maintained by the Ohio Department of Health, and such other historical records for the purpose of providing internet access to such records. The society shall report findings of the study to the Governor and the General Assembly by December 31, 1999.

Site Operations

Of the foregoing appropriation item 360-502, Site Operations, $150,000 in fiscal year 2000 shall be used for the Neil Armstrong Museum and $231,000 in fiscal year 2000 shall be used for the Piqua Historical Area.

Ohio Bicentennial Commission

Of the foregoing appropriation item 360-503, Ohio Bicentennial Commission, $50,000 in fiscal year 2000 shall be used for the Newark

Bicentennial, $25,000 in fiscal year 2000 shall be used for the Greenfield Bicentennial, $25,000 in fiscal year 2000 shall be used for the Bethel Bicentennial, $100,000 in each fiscal year shall be distributed to the Ohio Humanities Council, and $50,000 in fiscal year 2000 shall be used for the Aurora Bicentennial.

Historical Grants

Of the foregoing appropriation item 360-508, Historical Grants, $1,000,000 in fiscal year 2000 shall be distributed to the Cleveland Museum of Art; $25,000 in each fiscal year shall be used for Thurber House; $225,000 in each fiscal year shall be used for the American Classical Music Hall of Fame and Museum; $1,000,000 in fiscal year 2000 shall be distributed to the Western Reserve Historical Society; $10,000 in fiscal yar 2000 shall be released to Historic Hopewell; $50,000 in fiscal year 2000 shall be used for the Noble County Historical Society; $250,000 in each fiscal year shall be used for the Great Lakes Historical Society/Maritime Museum; $100,000 in fiscal year 2000 shall be used for the Tallmadge Church State Memorial; $100,000 in each fiscal year shall be used for the Erie Canal Association; $50,000 in fiscal year 2000 shall be used for the Fountain Square Renovation in Cincinnati; $7,000 in fiscal year 2000 shall be used for the Franklin College Museum; $100,000 in fiscal year 2000 shall be used for the Cincinnati Museum Center; and $100,000 in fiscal year 2000 shall be used for the Hebrew Union College Holocaust Records and Related Studies Program.

Adena Visitor Center and Grounds

The foregoing appropriation item 360-509, Adena Visitor Center and Grounds, shall be used toward the completion of a visitor center and the repair, restoration, and renovation of existing structures in preparation for Ohio's bicentennial celebration.

Hayes Presidential Center

If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations and/or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make arrangements with the National Park Service or other United States government agency for the efficient transfer of operations and/or maintenance.

Ohio Historical Society Review Committee

(A) There is hereby created the Ohio Historical Society Review Committee consisting of seven members. The Governor, the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House and the Senate shall each appoint one member. The

President of the Ohio Historical Society Board of Trustees, and another member of the Ohio Historical Society Board shall also be members.

(1) All members shall serve without compensation.

(2) Four members shall constitute a quorum.

(3) The society's members shall include one representative who is elected by the society and one who is appointed by the Governor.

(4) The review committee shall select a chairperson from among its members.

(B) The task of the review committee shall include, but is not limited to, the formulation of financial alternatives concerning future funding needs, a review of the appropriateness of the statutory duties of the society, and a review of the financial and governance relationship between the state and the Ohio Historical Society.

(C) The review committee shall make recommendations to the Governor, the House of Representatives, the Senate, and the Ohio Historical Society by October 1, 2000, at which time the committee shall be terminated.

(D) The review committee may enter into professional services contracts to assist with their review. Such expenses, and other expenses related to the activities of the review committee, shall be paid from the foregoing appropriation item 360-501, Operating Subsidy. No more than $75,000 in each fiscal year shall be used for these purposes.

SECTION 54. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025-321	Operating Expenses	$ 17,989,966	$	17,989,966
TOTAL GRF General Revenue Fund		$ 17,989,966	$	17,989,966

General Services Fund Group

103 025-601	House Reimbursement	$ 1,287,500	$	1,287,500
4A4 025-602	Miscellaneous Sales	$ 33,990	$	33,990
TOTAL GSF General Services Fund Group		$ 1,321,490	$	1,321,490
TOTAL ALL BUDGET FUND GROUPS		$ 19,311,456	$	19,311,456

SECTION 55. HUM DEPARTMENT OF HUMAN SERVICES

General Revenue Fund

GRF 400-100	Personal Services			
	State	$ 35,596,987	$	0
	Federal	$ 16,903,068	$	0
	Personal Services Total	$ 52,500,055	$	0
GRF 400-200	Maintenance			
	State	$ 17,044,633	$	0
	Federal	$ 7,409,647	$	0

	Maintenance Total	$	24,454,280	$	0
GRF 400-300	Equipment				
	State	$	925,465	$	0
	Federal	$	406,522	$	0
	Equipment Total	$	1,331,987	$	0
GRF 400-402	Electronic Benefits Transfer (EBT)				
	State	$	7,260,457	$	0
	Federal	$	7,260,458	$	0
	EBT Total	$	14,520,915	$	0
GRF 400-405	Family Violence Prevention Programs	$	812,274	$	0
GRF 400-408	Child & Family Services Activities	$	3,104,606	$	0
GRF 400-409	Wellness Block Grant	$	14,337,515	$	0
GRF 400-410	TANF State	$	261,857,133	$	0
GRF 400-411	TANF Federal Block Grant	$	417,200,000	$	0
GRF 400-413	Day Care Match/Maint. of Effort	$	76,454,292	$	0
GRF 400-416	Computer Projects				
	State	$	69,280,200	$	0
	Federal	$	29,719,800	$	0
	Computer Projects Total	$	99,000,000	$	0
GRF 400-420	Child Support Administration	$	7,125,822	$	0
GRF 400-426	Children's Health Insurance Program				
	State	$	2,104,086	$	0
	Federal	$	4,656,614	$	0
	Children's Health Insurance Program Total	$	6,760,700	$	0
GRF 400-502	Child Support Match	$	20,207,796	$	0
GRF 400-504	Non-TANF County Administration	$	76,017,940	$	0
GRF 400-511	Disability Assistance	$	58,156,916	$	0
GRF 400-512	Non-TANF Emergency Assistance	$	4,200,000	$	0
GRF 400-522	Burial Claims	$	1,338,062	$	0
GRF 400-525	Health Care/Medicaid				
	State	$	2,289,534,148	$	0
	Federal	$	3,224,758,115	$	0
	Health Care/Medicaid Total	$	5,514,292,263	$	0
GRF 400-527	Child Protective Services	$	54,808,735	$	0
GRF 400-528	Adoption Services				
	State	$	27,253,334	$	0
	Federal	$	25,996,634	$	0
	Adoption Services Total	$	53,249,968	$	0
GRF 400-534	Adult Protective Services	$	3,031,340	$	0
GRF 400-552	County Social Services	$	12,072,886	$	0
TOTAL GRF General Revenue Fund					
	State	$	3,042,524,627	$	0
	Federal	$	3,734,310,858	$	0
	GRF Total	$	6,776,835,485	$	0

General Services Fund Group

4A8	400-658	Child Support Collections	$	42,751,619	$	0
4R4	400-665	BCII Service Fees	$	110,119	$	0
5C9	400-671	Medicaid Program Support	$	84,503,686	$	0
613	400-645	Training Activities	$	75,000	$	0
TOTAL GSF General Services Fund Group			$	127,440,424	$	0

Federal Special Revenue Fund Group

3A2	400-641	Emergency Food Distribution	$	1,499,480	$	0
3D3	400-648	Children's Trust Fund Federal	$	2,040,524	$	0
3F0	400-623	Health Care Federal	$	218,085,792	$	0
3F0	400-650	Hospital Care Assurance Match	$	319,566,075	$	0
3G5	400-655	Interagency Reimbursement	$	830,258,410	$	0
3G9	400-657	Special Activities/Self Sufficiency	$	498,600	$	0
3H7	400-617	Day Care Federal	$	155,531,296	$	0
3N0	400-628	IV-E Foster Care Maintenance/Pass Through	$	162,844,023	$	0
3S5	400-622	Child Support Projects	$	534,050	$	0
316	400-602	State and Local Training	$	6,770,894	$	0
327	400-606	Child Welfare	$	29,007,597	$	0
384	400-610	Food Stamps and State Administration	$	141,595,547	$	0
385	400-614	Foreign Refugees	$	7,309,725	$	0
395	400-616	Special Activities/Child and Family Services	$	4,418,844	$	0
396	400-620	Social Services Block Grant	$	73,947,634	$	0
397	400-626	Child Support	$	216,456,690	$	0
398	400-627	Adoption Maintenance/ Administration	$	204,774,490	$	0
TOTAL FED Federal Special Revenue Fund Group			$	2,375,139,671	$	0

State Special Revenue Fund Group

198	400-647	Children's Trust Fund	$	3,167,164	$	0
4E3	400-605	Nursing Home Assessments	$	92,910	$	0
4E7	400-604	Child and Family Services Collections	$	138,780	$	0
4F1	400-609	Foundation Grants/Child and Family Services	$	1,383,822	$	0
4J5	400-613	Nursing Facility Bed Assessments	$	32,319,125	$	0
4J5	400-618	Residential State Supplement Payments	$	14,112,907	$	0
4K1	400-621	ICF MR Bed Assessments	$	21,323,562	$	0
4N7	400-670	Wellness Block Grant	$	1,000,000	$	0
4V2	400-612	Child Support Activities	$	124,993	$	0
4Z1	400-625	Health Care Compliance	$	10,000,000	$	0
5E3	400-633	EBT Contracted Services	$	1,000,000	$	0
5E4	400-615	Private Child Care Agencies Training	$	10,280	$	0
6A7	400-656	Foundation Grants/Self Sufficiency	$	61,680	$	0
600	400-603	Third-Party Recoveries	$	13,000,000	$	0

651	400-649	Hospital Care Assurance Program	$	228,951,047	$	0
TOTAL SSR State Special Revenue Fund Group			$	326,686,270	$	0
Agency Fund Group						
192	400-646	Support Intercept - Federal	$	68,354,979	$	0
5B6	400-601	Food Stamp Intercept	$	5,140,000	$	0
583	400-642	Support Intercept-State	$	14,458,021	$	0
TOTAL AGY Agency Fund Group			$	87,953,000	$	0
Holding Account Redistribution Fund Group						
R12	400-643	Refunds and Audit Settlements	$	200,000	$	0
R13	400-644	Forgery Collections	$	700,000	$	0
TOTAL 090 Holding Account Redistribution Fund Group			$	900,000	$	0
TOTAL ALL BUDGET FUND GROUPS			$	9,694,954,850	$	0

SECTION 55.01.

Family Violence Prevention

The foregoing appropriation item 400-405, Family Violence Prevention Programs, may be used to provide grants for county and local family violence prevention community education initiatives, and to provide funding for domestic violence shelters that the Department of Human Services determines are exclusively for victims of domestic violence.

SECTION 55.02.

Health Care/Medicaid

The foregoing appropriation item 400-525, Health Care/Medicaid, shall not be limited by the provisions of section 131.33 of the Revised Code.

SECTION 55.03.

Medicaid Eligibility Simplifications

(A) The Department of Human Services may implement a series of initiatives designed to simplify eligibility determination procedures in the Medicaid program. The initiatives may be designed to do the following:

(1) Reduce the complexity of the processes used in applying for benefits and in making eligibility determinations, including redeterminations of eligibility;

(2) Create and promote consistency from county to county with regard to the Medicaid application and eligibility determination processes;

(3) Coordinate, where possible, the Medicaid application and eligibility determination processes with other health and human services programs;

(4) Provide information to the public regarding the opportunity to receive Medicaid benefits and how to apply for them.

(B) During state fiscal year 2000, the Department of Human Services may work with a targeted group of county departments of human services in developing and testing the initiatives to determine which initiatives would be best for implementation statewide. The department may work with the county departments from the following counties: Butler, Clermont, Cuyahoga, Franklin, Hamilton, Hocking, Warren, and any other counties selected by the department. During state fiscal year 2001, the department may promote the initiatives that were determined to be best for statewide implementation.

County Outreach Plans

The Department of Human Services may allow for the pass-through of federal nonenhanced Medicaid administrative matching funds to county departments of human services that submit Medicaid outreach plans that meet the requirements of this section.

(A) The Department of Human Services may approve only those plans that:

(1) Incorporate methods that the department has determined will be effective in increasing the enrollment of eligible individuals in Medicaid;

(2) Provide sufficient local match to meet the nonfederal share of the county plan;

(3) Comply with the laws of this state and federal regulations.

(B) The total amount passed through under this section shall not exceed $4,000,000 in fiscal year 2000 and $4,000,000 in fiscal year 2001.

(C) In the event that changes occur in the requirements for federal funding for Medicaid administration or outreach, including changes in continuation of the enhanced Medicaid outreach funds through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 beyond federal fiscal year 1999, the Department of Human Services may terminate the pass-through of federal funds authorized by this section.

SECTION 55.04.

Community Based Providers

From the foregoing appropriation item 400-525, Health Care/Medicaid, $34,600,000 in fiscal year 2000 shall be used to increase reimbursements in accordance with division (B) of section 5111.025 of the Revised Code.

SECTION 55.05.

Disability Assistance

The following schedule shall be used to determine monthly grant levels in the Disability Assistance Program effective July 1, 1999.

Persons in Assistance Group	Monthly Grant
1	$115
2	159
3	193
4	225
5	251
6	281
7	312
8	361
9	394
10	426
11	458
12	490
13	522
14	554
For each additional person add	40

TANF Federal Funds

Upon the request of the Department of Human Services, the Controlling Board may increase appropriations in appropriation item 400-411, TANF Federal Block Grant, provided sufficient Federal TANF block grant funds exist to do so, without any corresponding decrease in other appropriation items. The department shall first provide the Office of Budget and Management with documentation to support the need for the increased appropriation.

All transfers of moneys from or charges against TANF Federal Block Grant awards for use in the Social Services Block Grant or the Child Care Development Block Grant from either unobligated prior year appropriation authority in item 400-411, or from FY 2000 appropriation authority in item 400-411, that meet or exceed the Controlling Board thresholds as defined in divisions (B)(1) and (2) and (E) of section 127.16 of the Revised Code, shall be done only with the approval of the Controlling Board, except where this act directs otherwise. The Department of Human Services shall first provide the Office of Budget and Management with documentation to support the need for such transfers or charges for use in the Social Services Block Grant or in the Child Care Development Block Grant.

TANF Cash Assistance

The Department of Human Services shall use a portion of the moneys appropriated for the TANF program in appropriation items 400-410, 400-411, and 400-658 to increase the cash assistance provided to recipients of benefits under the TANF program by up to three per cent as compared to the cash assistance provided prior to July 1, 1999. The increased TANF cash assistance benefit shall be effective January 1, 2000.

TANF County Incentives

Of the foregoing appropriation item 400-411, TANF Federal Block Grant, the Department of Human Services may provide financial incentives to those county departments of human services that have exceeded performance standards adopted by the state department, and where the board of county commissioners has entered into a written agreement with the state department under section 5101.21 of the Revised Code governing the administration of the county department. Any financial incentive funds provided pursuant to this division shall be used by the county department for additional or enhanced services for families eligible for assistance under Chapter 5107. or 5108. of the Revised Code or, upon request by the county and approval by the Department of Human Services, be transferred to the Child Care Development Fund or the Social Services Block Grant. The county departments of human services may retain and expend such funds without regard to the state or county fiscal year in which the financial incentives were earned or paid. Each county department of human services shall file an annual report with the state Department of Human Services providing detailed information on the expenditure of these financial incentives and an evaluation of the effectiveness of the county department's use of these funds in achieving self-sufficiency for families eligible for assistance under Chapter 5107. or 5108. of the Revised Code.

TANF Transportation Services

From the foregoing appropriation items 400-410, TANF State, or 400-411, TANF Federal Block Grant, or a combination of both, up to $5,000,000 in fiscal year 2000 shall be used to expand the accessibility of transportation services for participants in programs funded from these appropriation items.

Hamilton Health Care Center

In fiscal year 2000, the Director of Human Services shall provide $100,000 from appropriation item 400-410, TANF State, to the Butler County department of human services for the purpose of contracting with the Hamilton Health Care Center to provide health care services for children or their families who reside in Butler County whose income is at or below 200 per cent of the official income poverty guideline. The Butler County

partment of Human Services and the Hamilton Health Care Center shall agree on reporting requirements that meet all TANF reporting requirements and time lines specified by the Department of Human Services to be incorporated into the contract.

As used in this section, "poverty guideline" means the official proverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Alcohol and Drug Addiction Services Transfer

From the foregoing appropriation item 400-410, TANF State, no later than 30 days after the effective date of this section, the Director of Budget and Management shall transfer $1,500,000 in appropriation authority to State Special Revenue Fund 5B7, appropriation item 038-629, TANF Transfer-Treatment, and $123,864 in appropriation authority to State Special Revenue Fund 5E8, appropriation item 038-630, TANF Transfer-Mentoring, in the Department of Alcohol and Drug Addiction Services. Of the amounts transferred, $1,500,000 in appropriation authority shall be used to provide substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the official income poverty guideline. The remaining $123,864 in transferred appropriation authority shall be used to fund adolescent youth mentoring programs for children or their families whose income is at or below 200 per cent of the official income poverty guideline. The Department of Alcohol and Drug Addiction Services shall comply with all TANF reporting requirements and timelines specified by the Department of Human Services.

Individual Development Accounts

From the foregoing appropriation items 400-410, TANF State, or 400-411, TANF Federal Block Grant, or a combination of both, up to $2,000,000 in fiscal year 2000 shall be used to allow county departments of human services to make matching contributions to Individual Development Accounts that have been established by residents of the county.

Human Services Personal Care Assistance

In fiscal year 2000, the Director of Human Services shall provide $240,000 from appropriation item 400-410, TANF State to be divided between the county departments of human services of Cuyahoga County and Franklin County to contract with the Rehabilitation Services Commission to place up to 25 TANF-eligible persons into jobs as personal care assistants.

The county departments of human services in Cuyahoga County and Franklin County and the Rehabilitation Services Commission shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Human Services to be incorporated into the contract.

TANF Family Planning

The Director of Budget and Management shall transfer, no later than 15 days after the effective date of this section, $250,000 in fiscal year 2000 from appropriation item 400-410, TANF State, or 400-411, TANF Federal Block Grant, or a combination of both, to State Special Revenue Fund 5C1, TANF Family Planning, in the Department of Health, to be used for family planning services.

Ohio Association of Second Harvest Food Banks

The Department of Human Services may use up to $2,500,000 in fiscal year 2000 as provided in section 55.10 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families Block Grant to the Social Services Block Grant~~ to support expenditures to Ohio Association of Second Harvest Food Banks pursuant to the following criteria.

As used in this section, "proverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended for a family size equal to the size of the family of the person whose income is being determined.

The Department of Human Services shall provide an annual grant of $2,500,000 in fiscal year 2000 to the Ohio Association of Second Harvest Food Banks. In fiscal year 2000, the Ohio Association of Second Harvest Food Banks shall use $1,500,000 for the purchase of food products for the Ohio Food Program of which up to $105,000 may be used for food storage and transport and shall use $1,000,000 for the Agricultural Surplus Production Alliance Project. Funds provided for the Ohio Food Program shall be used to purchase food products and distribute those food products to agencies participating in the emergency food distribution program. No funds provided through this grant may be used for administrative expenses other than funds provided for food storage and transport. As soon as possible after entering into a grant agreement at the beginning of the fiscal year, the Department of Human Services shall distribute the grant funds in one single payment. The Ohio Association of Second Harvest Food Banks shall develop a plan for the distribution of the food products to local food distribution agencies. Agencies receiving these food products shall ensure

that individuals and families who receive any of the food products purchased with these funds have an income at or below 150 per cent of the poverty guideline. The Department of Human Services and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement.

Any fiscal year 2000 funds from this grant remaining unspent on June 30, 2000, shall be returned by the Ohio Association of Second Harvest Food Banks to the Department of Human Services no later than November 1, 2000.

Computer Related Services

The Department of Human Services may use up to $20,000,000 in state fiscal year 2000 as provided in section 55.10 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families to the Social Service Block Grant~~ to support computer related expenditures for services that benefit the County Department of Human Services.

Additional Maintenance of Effort and Matching Funding for the Child Care Development Fund

The Department of Human Services may use up to $8,383,231 as provided in section 55.10 of this act ~~transfer sufficient moneys from the Temporary Assistance to Needy Families Block Grant to the Social Service Block Grant~~ to support matching and maintenance of effort requirements of the Child Care Development Fund in order to match all funds for which Ohio is eligible.

Additional Funding for the AdoptOhio Program

The Department of Human Services may use up to $1,495,395 in state fiscal year 2000 as provided in section 55.10 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families Block Grant to the Social Service Block Grant~~ to support expenditures for AdoptOhio if the existing appropriations in 400-408 is not sufficient to support the program.

Inner City Youth Opportunities Program

In fiscal year 2000, the Director of Human Services shall provide $75,000 from appropriation item 400-410, TANF State, to the Hamilton County department of human services to contract with the Inner City Youth Opportunities organization of Cincinnati for the purpose of providing allowable services to TANF-eligible individuals. The Hamilton County department of human services and Inner City Youth Opportunities shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Human Services to be incorporated into the contract.

TANF Fatherhood Programs

From the foregoing appropriation item 400-411, TANF Federal Block Grant, up to $5,000,000 in fiscal year 2000 shall be used to support local fatherhood programs. Of the foregoing $5,000,000, $300,000 in fiscal year 2000 shall be used to establish and operate a Fatherhood Commission. Of the foregoing $5,000,000, $310,000 in fiscal year 2000 shall be provided to the Cuyahoga County Department of Human Services to contract with the Center for Families and Children for the purpose of providing allowable services to TANF-eligible individuals. The Cuyahoga County Department of Human Services and the Center for Families and Children shall agree on reporting requirements to be incorporated into the contract.

TANF Adult Literacy and Child Reading Programs

From the foregoing appropriation item 400-411, TANF Federal Block Grant, up to $5,000,000 in fiscal year 2000 shall be used to support local adult literacy and child reading programs.

Child Nutrition Services

The Department of Human Services shall use up to $2,500,000 in fiscal year 2000 as provided in section 55.10 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families Block Grant to the Social Services Block Grant~~ to support Child Nutrition Services in the Department of Education. As soon as possible after the effective date of this section, the Department of Human Services shall enter into an interagency agreement with the Department of Education to reimburse the 19 pilot programs that provide nutritional evening meals to adolescents aged 13 through 18 participating in educational or enrichment activities at youth development centers. Such funds shall not be used as matching funds. Eligibility and reporting guidelines will be detailed in the interagency agreement.

The Director of Budget and Management shall increase the appropriation item authority by $2,500,000 for State Special Revenue Fund, 5B1, Child Nutrition Services, in the Department of Education.

Cincinnati YWCA GED and Child Care Programs

In fiscal year 2000, the Director of Human Services shall provide $65,000 from appropriation item 400-410, TANF State, to the Hamilton County department of human services to contract with the YWCA of Greater Cincinnati for the purpose of providing a General Educational Development (GED) program to TANF-eligible individuals, and child care to individuals enrolled in the GED program. The Hamilton County department of human services and the YWCA of Greater Cincinnati shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Human Services to be

incorporated into the contract.

Single Allocation for County Departments of Human Services

Using the foregoing appropriation items 400-504, Non-TANF County Administration; 400-610, Food Stamps and State Administration; 400-410, TANF State; 400-411, TANF Federal Block Grant; 400-620, Social Services Block Grant; 400-552, County Social Services; 400-413, Day Care Match/Maintenance of Effort; 400-617, Day Care Federal; 400-534, Adult Protective Services; and 400-614, Foreign Refugees, the Department of Human Services may establish a single allocation for county departments of human services that are subject to a partnership agreement between a board of county commissioners and the department. The county department is not required to use all the money from one or more of the foregoing appropriations items listed in this paragraph for the purpose for which the specific appropriation item is made so long as the county department uses the money for a purpose for which at least one of the other of those foregoing appropriation items is made. The county department may not use the money in the allocation for a purpose other than a purpose for which any of those foregoing appropriation items are made. If the spending estimates used in establishing the single allocation are not realized and the county department uses money in one or more of those foregoing appropriation items in a manner for which federal financial participation is not available, the department shall use state funds available in one or more of those foregoing appropriation items to ensure that the county department receives the full amount of its allocation. The single allocation is the maximum amount the county department will receive from those foregoing appropriation items.

Reports on Interagency Transfers

With regard to the foregoing appropriation item 400-655, Interagency Reimbursement, the Department of Human Services shall provide the Legislative Budget Office of the Legislative Service Commission with a report each month that details interagency transfers through the appropriation item. The reports shall break down transfers by agency and appropriation item to which transfers are made. Transfers shall further be broken down by source of federal funds, including federal program number (as shown in the Catalog of Federal Domestic Assistance), grant number, and department reporting category number. In addition, transfers of Medicaid dollars shall be grouped between reimbursement for services and administrative costs. Reports shall be provided to the Legislative Budget Office of the Legislative Service Commission within two weeks after the end of the month.

SECTION 55.06.

Hospital Care Assurance Match

Appropriation item 400-650, Hospital Care Assurance Match, shall be used by the Department of Human Services to receive and distribute funds in connection with the Hospital Care Assurance Program.

SECTION 55.07.

Transfer of Funds

The Department of Human Services shall transfer, through intrastate transfer vouchers, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, to Fund 4K8, Home and Community-Based Services, in the Department of Mental Retardation and Developmental Disabilities. The sum of the transfers shall be equal to the amounts appropriated in fiscal year 2000 in appropriation item 322-604, Waiver - Match. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

The Department of Human Services shall transfer, through intrastate transfer vouchers, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the transfers shall be equal to the amount appropriated in fiscal year 2000 in appropriation item 490-610, PASSPORT/Residential State Supplement. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

Transfers of IMD/DSH Cash

The Department of Human Services shall transfer, through intrastate transfer vouchers, cash from Fund 5C9, Medicaid Program Support, to the Department of Mental Health's Fund 4X5, OhioCare, in accordance with an interagency agreement that delegates authority from the Department of Human Services to the Department of Mental Health to administer specified Medicaid services.

The Director of Budget and Management shall transfer cash from the Department of Human Services Fund 5C9, Medicaid Program Support, in the amount of $2,450,000 in fiscal year 2000 to the Department of Health's Health Services Fund, Fund 5E1.

Transfer from the Children's Trust Fund to the Wellness Block Grant Fund

Within 90 days after the effective date of this section, the Director of

Budget and Management shall transfer $1,000,000 in fiscal year 2000 from Fund 198, Children's Trust Fund, to Fund 4N7, Wellness Block Grant, within the Department of Human Services' budget.

Foster Care Liability Coverage

On behalf of public children services agencies, private childplacing agencies, private noncustodial agencies and in consultation with the Department of Insurance and the Office of State Purchasing, the Department of Human Services may seek and accept proposals for a uniform and statewide insurance policy to indemnify foster parents for personal injury and property damage suffered by them due to the care of a foster child. Premiums for such a policy shall be the sole responsibility of each public children services agency, private childplacing agency and private noncustodial agency that agrees to purchase the insurance policy.

Protective Services Incentive Funding

Notwithstanding the formula in section 5101.14 of the Revised Code, from the foregoing appropriation item 400-527, Child Protective Services, the Department of Human Services may use no more than $2,400,000 in fiscal year 2000 as incentive funding for public children services agencies to promote innovative practice standards and efficiencies in service delivery to and assist public children service agencies in complying with federal reporting requirements. Of this amount, public children services agencies may use $125,000 to pursue accreditation by the Child Welfare League of America. The Department of Human Services shall develop a process for the release of these funds and may adopt rules in accordance with section 111.15 of the Revised Code governing the distribution, release, and use of these funds.

Statewide Automated Child Welfare Information System

Of the foregoing appropriation item 400-416, Computer Projects, in fiscal year 2000, $10,000,000 shall be used for the development and implementation of the Statewide Automated Child Welfare Information System (SACWIS).

Day Care/Head Start Collaborations

The Department of Human Services and the county departments of human services shall work to develop collaborative efforts between Head Start and child care providers. The Department of Human Services may use the foregoing appropriation items 400-413, Day Care Match/Maintenance of Effort, and 400-617, Day Care Federal, to support collaborative efforts between Head Start and child day care centers.

Four C's Comprehensive Community Child Care Program

From the foregoing appropriation item 400-617, Day Care Federal, in

fiscal year 2000, the Director of Human Services shall provide $25,000 from child care funds to the Hamilton County Department of Human Services to contract with the Four C's Comprehensive Community Child Care for quality activities allowable under the Child Care Development Block Grant. The Hamilton County Department of Human Services and Four C's shall agree on reporting requirements to be incorporated into the contract.

Adoption Assistance

Of the foregoing appropriation item 400-528, Adoption Services State, at least $3,700,000 in fiscal year 2000 shall be used in support of post finalization adoption services offered pursuant to section 5153.163 of the Revised Code. The Department of Human Services shall adopt rules and procedures pursuant to section 111.15 of the Revised Code to set payment levels and limit eligibility for post finalization adoption services as necessary to limit program expenditures to the amounts set forth in this section, based on factors including, but not limited to, any or all of the following: type, or extent, of the adopted child's disability or special need; and resources available to the adoptive family to meet the child's service needs.

Adoption Connection of Cincinnati

Of the foregoing appropriation item 400-528, Adoption Services, $42,000 is earmarked in FY 2000 to support the Adoption Connection of Cincinnati.

Child Support Collections/TANF MOE

The foregoing appropriation item 400-658, Child Support Collections, shall be used by the Department of Human Services to meet the TANF Maintenance of Effort requirements of Pub. L. No. 104-193. After the state has met the maintenance of effort requirement, the Department of Human Services may use funds from appropriation item 400-658, Child Support Collections, to support public assistance activities.

Private Child Care Agencies Training

The foregoing appropriation item 400-615, Private Child Care Agencies Training, shall be used by the Department of Human Services to provide the state match for federal Title IV-E training dollars for private child placing agencies and private noncustodial agencies. Revenues shall consist of moneys derived from fees established under section 5101.143 of the Revised Code and paid by private child placing agencies and private noncustodial agencies.

Child Care Quality Improvement

The Department of Human Services shall make available to county departments of human services an amount to fund the improvement of the

quality of publicly funded child care and access to publicly funded child care, including, but not limited to, recruitment, training, mentoring, and oversight of child care providers or in-home providers.

Transfer for Lead Assessments

Of the foregoing appropriation item 400-525, Health Care/Medicaid, the Department of Human Services may transfer funds from the General Revenue Fund to the General Operations Fund (Fund 142) of the Department of Health. Transfer of the funds shall be made through intrastate transfer voucher pursuant to an interagency agreement for the purpose of performing environmental lead assessments in the homes of Medicaid Healthcheck recipients.

Childhood Lead Poisoning Prevention Program

Of the foregoing appropriation item 400-525, Health Care/Medicaid, up to $250,000 over the biennium shall be used to fund the harmonization of data on Medicaid eligible children in the Department of Human Services and data on tested children in the Department of Health.

Childhood Lead Poisoning Working Group

There is hereby created the Childhood Lead Poisoning Working Group to study and propose a state plan to address lead poisoning treatment and control issues. The Working Group shall consist of fourteen members, one of whom must be a senator appointed by the President of the Senate, and one member shall be a representative appointed by the Speaker of the House of Representatives. The Working Group shall also consist of two designees of the Director of each of the following departments: Department of Human Services, Department of Health, Department of Development, Ohio Environmental Protection Agency, and the Department of Education. The Help End Lead Poisoning Coalition shall appoint two members. The members of the Working Group shall be appointed within thirty days of the effective date of this section.

Not later than June 30, 2000, the Working Group shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives and the President and the Minority Leader of the Senate. The above-mentioned departments shall make staff available to the Working Group.

Medicaid Program Support Fund - State

The foregoing appropriation item 400-671, Medicaid Program Support, shall be used by the Department of Human Services to pay for Medicaid services and contracts.

Holding Account Redistribution Group

The foregoing appropriation items 400-643 and 400-644, Holding

Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Agency Fund Group

The Agency Fund Group shall be used to hold revenues until the appropriate fund is determined or until they are directed to the appropriate governmental agency other than the Department of Human Services. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Federal Special Revenue Fund Group

The foregoing appropriation items that appear in the Department of Human Services' Federal Special Revenue Fund Group shall be used to collect revenue from various sources and use the revenue to support programs administered by the Department of Human Services. If it is determined that additional appropriation authority is necessary, the department shall notify the Director of Budget and Management on forms prescribed by the Controlling Board. If the Director agrees that the additional appropriation authority is necessary in order to perform the functions allowable in the appropriation item, then such amounts are hereby appropriated. The Director shall notify the Controlling Board at their next regularly scheduled meeting as to the action taken.

SECTION 55.08.

Adoptive Placement Payments

The foregoing appropriation item 400-408, Child & Family Services Activities, may be used to make payments pursuant to agreements entered into under section 5103.12 of the Revised Code.

Consolidation of State Grants

With the consent of a county, the Department of Human Services may combine into a single and consolidated grant of state aid, funds that would otherwise be provided to that county pursuant to the operation of section 5101.14 of the Revised Code and other funds that would otherwise be provided to that county for the purpose of providing kinship care.

Funds contained in any such consolidation grant shall not be subject to either statutory or administrative rules that would otherwise govern allowable uses from such funds, except that such funds shall continue to be used by the county to meet the expenses of its children services program. Funds contained in any consolidation grant shall be paid to each county within thirty days after the beginning of each calendar quarter. Funds

provided to a county under this section shall be deposited in the children services fund, established in section 5101.143 of the Revised Code, and shall be used for no other purpose than to meet the expenses of the children services program.

SECTION 55.09. Notwithstanding section 5111.231 of the Revised Code or any other section of the Revised Code and for the purpose of determining nursing facilities' rate of direct care costs for fiscal year 2000, the Department of Human Services shall calculate annual average case-mix scores for calendar year 1998 using resident assessment information for calendar quarters ending September 30, 1998, and December 31, 1998.

SECTION 55.10.

Medicaid Program Support Fund 5C9

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Prior to September 30, 1999, the Department of Human Services shall file claims for reimbursement for all allowable expenditures for services provided by the Department of Human Services, or other agencies, which may qualify for Social Services Block Grant funding pursuant to Title XX of the federal Social Security Act. During fiscal year 2000, the Department of Human Services is authorized to deposit into the Medicaid Program Support Fund (Fund 5C9), receipts from TANF Block Grant funds credited to the Social Services Block Grant. Upon verification of the deposit to Fund 5C9, the Director of Budget and Management shall transfer the cash receipts received under this section to the General Revenue Fund. The Director shall increase the General Revenue Fund appropriation line items, or establish the General Revenue Fund line items, from which the funds are to be disbursed, for the following purposes and by the following amounts and by any associated increase in federal funds:

Second Harvest Food Bank $2,500,000
Computer Projects $20,000,000
Audits $1,000,000
AdoptOhio $1,495,395
Child Nutrition Services $2,500,000
Child Care Match Up to $8,383,231
OBES/ODHS Merger Costs Up to $2,000,000
Total $37,878,626

The Director Budget and Management shall determine if sufficient cash receipts are available to cover the purposes stated in this section. If cash

receipts are not sufficient to cover the purposes stated in this section, the Director of Budget and Management shall determine the amounts that will be disbursed for the purposes stated above.

SECTION 56. IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund				
GRF 965-321	Operating Expenses	$ 640,670	$	636,253
TOTAL GRF General Revenue Fund		$ 640,670	$	636,253
State Special Revenue Fund Group				
4Z3 965-602	Special Investigations	$ 100,000	$	100,000
TOTAL SSR State Special Revenue Fund Group		$ 100,000	$	100,000
TOTAL ALL BUDGET FUND GROUPS		$ 740,670	$	736,253

Of the foregoing appropriation item 965-602, Special Investigations, up to $100,000 in each fiscal year may be used for investigative costs, pursuant to section 121.481 of the Revised Code.

SECTION 57. INS DEPARTMENT OF INSURANCE

State Special Revenue Fund Group				
554 820-601	Operating Expenses - OSHIIP	$ 733,707	$	751,351
554 820-606	Operating Expenses	$ 17,540,571	$	17,771,394
555 820-605	Examination	$ 6,147,608	$	6,090,979
TOTAL SSR State Special Revenue Fund Group		$ 24,421,886	$	24,613,724
TOTAL ALL BUDGET FUND GROUPS		$ 24,421,886	$	24,613,724

Market Conduct Examination

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of such examination against the insurer. The superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or regulations administered by the superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 554).

Examinations of Domestic Fraternal Benefit Societies

The Superintendent of Insurance may transfer funds from the Department of Insurance Operating Fund (Fund 554) established by section 3901.021 of the Revised Code to the Superintendents Examination Fund (Fund 555) established by section 3901.071 of the Revised Code, only for the expenses incurred in examining Domestic Fraternal Benefit Societies as required by section 3921.28 of the Revised Code.

SECTION 58. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

GRF 600-100	Personal Services				
	State	$	0	$	35,389,243
	Federal	$	0	$	16,630,812
	Personal Services Total	$	0	$	52,020,055
GRF 600-200	Maintenance				
	State	$	0	$	17,309,326
	Federal	$	0	$	7,368,926
	Maintenance Total	$	0	$	24,678,252
GRF 600-300	Equipment				
	State	$	0	$	420,342
	Federal	$	0	$	180,834
	Equipment Total	$	0	$	601,176
GRF 600-402	Electronic Benefits Transfer (EBT)				
	State	$	0	$	7,332,532
	Federal	$	0	$	7,332,531
	EBT Total	$	0	$	14,665,063
GRF 600-405	Family Violence Prevention Programs	$	0	$	835,018
GRF 600-406	Workforce Development	$	0	$	358,404
GRF 600-407	Unemployment Insurance/Employment Services Operating	$	0	$	22,727,425
GRF 600-408	Labor Market Projections	$	0	$	184,534
GRF 600-410	TANF State	$	0	$	261,857,133
GRF 600-411	TANF Federal Block Grant	$	0	$	417,200,000
GRF 600-412	Prevailing Wage/Minimum Wage and Minors	$	0	$	2,423,702
GRF 600-413	Day Care Match/Maintenance of Effort	$	0	$	76,454,292
GRF 600-414	Apprenticeship Council	$	0	$	177,769
GRF 600-416	Computer Projects				
	State	$	0	$	74,620,000
	Federal	$	0	$	29,380,000
	Computer Projects Total	$	0	$	104,000,000
GRF 600-417	Public Employee Risk Reduction Program	$	0	$	1,356,075
GRF 600-420	Child Support Administration	$	0	$	8,103,800
GRF 600-426	Children's Health Insurance Plan (CHIP)				
	State	$	0	$	7,099,589
	Federal	$	0	$	16,857,856
	CHIP Total	$	0	$	23,957,445
GRF 600-427	Child and Family Services Activities	$	0	$	3,110,655
GRF 600-428	Wellness Block Grant	$	0	$	14,337,515
GRF 600-429	Womens Programs	$	0	$	485,619
GRF 600-430	OSHA Match	$	0	$	137,045
GRF 600-502	Child Support Match	$	0	$	20,773,614

GRF	600-504	Non-TANF County Administration	$	0	$	75,017,940
GRF	600-511	Disability Assistance/Other Assistance	$	0	$	63,665,762
GRF	600-512	Non-TANF Emergency Assistance	$	0	$	4,200,000
GRF	600-522	Burial Claims	$	0	$	1,465,911
GRF	600-525	Health Care/Medicaid				
		State	$	0	$	2,422,439,516
		Federal	$	0	$	3,426,038,311
		Health Care Total	$	0	$	5,848,477,827
GRF	600-527	Child Protective Services	$	0	$	57,332,997
GRF	600-528	Adoption Services				
		State	$	0	$	28,428,928
		Federal	$	0	$	27,632,851
		Adoption Services Total	$	0	$	56,061,779
GRF	600-534	Adult Protective Services	$	0	$	3,031,340
GRF	600-552	County Social Services	$	0	$	12,072,886
TOTAL GRF General Revenue Fund						
		State	$	0	$	3,223,148,912
		Federal	$	0	$	3,948,622,121
		GRF Total	$	0	$	7,171,771,033
General Services Fund Group						
4A8	600-658	Child Support Collections	$	0	$	42,389,027
4R4	600-665	BCII Service Fees	$	0	$	113,202
5C9	600-671	Medicaid Program Support	$	0	$	83,527,307
613	600-645	Training Activities	$	0	$	75,000
TOTAL GSF General Services Fund Group			$	0	$	126,104,536
Federal Special Revenue Fund Group						
3A2	600-641	Emergency Food Distribution	$	0	$	1,499,480
3D3	600-648	Children's Trust Fund Federal	$	0	$	1,549,253
3F0	600-623	Health Care Federal	$	0	$	206,652,537
3F0	600-650	Hospital Care Assurance Match	$	0	$	309,093,463
3G5	600-655	Interagency Reimbursement	$	0	$	844,021,602
3G9	600-657	Special Activities Self Sufficiency	$	0	$	544,782
3H7	600-617	Day Care Federal	$	0	$	163,579,818
3N0	600-628	IV-E Foster Care Maintenance	$	0	$	196,993,903
3S5	600-622	Child Support Projects	$	0	$	534,050
3S9	600-680	TANF Employment and Training	$	0	$	700,000
316	600-602	State and Local Training	$	0	$	7,336,811
327	600-606	Child Welfare	$	0	$	29,481,996
331	600-686	Federal Operating	$	0	$	111,819,362
349	600-682	OSHA Enforcement	$	0	$	1,326,501
365	600-681	JOB Training Program	$	0	$	121,099,383
384	600-610	Food Stamps and State Administration	$	0	$	150,437,578
385	600-614	Refugee Services	$	0	$	7,309,725
395	600-616	Special Activities/Child and Family Services	$	0	$	4,311,677

396	600-620	Social Services Block Grant	$	0	$ 60,420,498
397	600-626	Child Support	$	0	$ 226,768,641
398	600-627	Adoption Maintenance/ Administration	$	0	$ 267,459,255
TOTAL FED Federal Special Revenue Fund Group			$	0	$ 2,712,940,315
State Special Revenue Fund Group					
198	600-647	Children's Trust Fund	$	0	$ 3,238,074
4A9	600-607	Unemployment Compensation Admin Fund	$	0	$ 13,962,175
4E3	600-605	Nursing Home Assessments	$	0	$ 95,511
4E7	600-604	Child and Family Services Collections	$	0	$ 142,666
4F1	600-609	Foundation Grants/Child and Family Services	$	0	$ 1,422,569
4G1	600-683	Interagency Agreements	$	0	$ 605,091
4J5	600-613	Nursing Facility Bed Assessments	$	0	$ 32,334,707
4J5	600-618	Residential State Supplement Payments	$	0	$ 14,285,756
4K1	600-621	ICF/MR Bed Assessments	$	0	$ 21,180,717
4N7	600-670	Wellness Block Grant	$	0	$ 1,000,000
4R3	600-687	Banking Fees	$	0	$ 592,937
4V2	600-612	Child Support Activities	$	0	$ 124,993
4Z1	600-625	HealthCare Compliance	$	0	$ 10,000,000
5A5	600-685	Unemployment Benefit Automation	$	0	$ 6,892,757
5E3	600-633	EBT Contracted Services	$	0	$ 500,000
5E4	600-615	Private Child Care Agencies Training	$	0	$ 10,568
557	600-684	Apprenticeship Council Conference	$	0	$ 15,000
6A7	600-656	Foundation Grants Self-Sufficiency	$	0	$ 63,407
600	600-603	Third-Party Recoveries	$	0	$ 13,000,000
651	600-649	Hospital Care Assurance Program Fund	$	0	$ 217,740,460
TOTAL SSR State Special Revenue Fund Group			$	0	$ 337,207,388
Agency Fund Group					
5B6	600-601	Food Stamp Intercept	$	0	$ 5,283,920
192	600-646	Support Intercept - Federal	$	0	$ 70,965,066
583	600-642	Support Intercept-State	$	0	$ 17,175,008
TOTAL AGY Agency Fund Group			$	0	$ 93,423,994
Holding Account Redistribution Fund Group					
R12	600-643	Refunds and Audit Settlements	$	0	$ 200,000
R13	600-644	Forgery Collections	$	0	$ 700,000
TOTAL 090 Holding Account Redistribution Fund Group			$	0	$ 900,000
TOTAL ALL BUDGET FUND GROUPS			$	0	$ 10,442,347,266

SECTION 58.01.

Family Violence Prevention Programs

The foregoing appropriation item 600-405, Family Violence Prevention Programs, may be used to provide grants for county and local family violence prevention community education initiatives, and to provide funding for domestic violence shelters that the Department of Job and Family Services determines are exclusively for victims of domestic violence.

SECTION 58.02.

Health Care/Medicaid

The foregoing appropriation item 600-525, Health Care/Medicaid, shall not be limited by the provisions of section 131.33 of the Revised Code.

SECTION 58.03.

Community Based Providers

From the foregoing appropriation item 600-525, Health Care/Medicaid, $90,100,000 in fiscal year 2001 shall be used to increase reimbursements in accordance with division (B) of section 5111.025 of the Revised Code.

SECTION 58.04.

Disability Assistance

The following schedule shall be used to determine monthly grant levels in the Disability Assistance Program effective July 1, 1999.

Persons in Assistance Group	Monthly Grant
1	$115
2	159
3	193
4	225
5	251
6	281
7	312
8	361
9	394
10	426
11	458
12	490

13	522
14	554
For each additional person add	40

TANF Federal Funds

Upon the request of the Department of Job and Family Services, the Controlling Board may increase appropriations in item 600-411, TANF Federal Block Grant, provided sufficient Federal TANF block grant funds exist to do so, without any corresponding decrease in other line items. The department shall first provide the Office of Budget and Management with documentation to support the need for the increased appropriation.

All transfers of moneys from or charges against TANF Federal Block Grant awards for use in the Social Services Block Grant or the Child Care Development Block Grant from either unobligated prior year appropriation authority in item 400-411, or from FY 2001 appropriation authority in item 600-411, that meet or exceed the Controlling Board thresholds as defined in divisions (B)(1) and (2) and (E) of section 127.16 of the Revised Code, shall only be done with the approval of the Controlling Board except where this act directs otherwise. The Department of Job and Family Services shall first provide the Office of Budget and Management with documentation to support the need for such transfers or charges for use in the Social Services Block Grant or in the Child Care Development Block Grant.

Alcohol and Drug Addiction Services Transfer

No later than July 15, 2000, the Director of Budget and Management shall transfer $2,000,000 in appropriation authority from appropriation item 600-410, TANF State, to State Special Revenue Fund 5B7 appropriation item 038-629, TANF Transfer-Treatment, and $271,424 in appropriation authority from appropriation item 600-410, TANF State, to State Special Revenue Fund 5E8 appropriation item 038-630, TANF Transfer-Mentoring, in the Department of Alcohol and Drug Addiction Services. Of the amounts transferred, $2,000,000 in appropriation authority shall be used to provide substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the official income poverty guideline. The remaining $271,424 in transferred appropriation authority shall be used to fund adolescent youth mentoring programs for children or their families whose income is at or below 200 per cent of the income official poverty guideline. The Department of Alcohol and Drug Addiction Services shall comply with all TANF reporting requirements and timelines specified by the Department of Job and Family Services.

TANF County Incentives

Of the foregoing appropriation item 600-411, TANF Federal Block

Grant, the Department of Job and Family Services may provide financial incentives to those county departments of human services that have exceeded performance standards adopted by the state department, and where the board of county commissioners has entered into a written agreement with the state department under section 5101.21 of the Revised Code governing the administration of the county department. Any financial incentive funds provided pursuant to this division shall be used by the county department for additional or enhanced services for families eligible for assistance under Chapter 5107. or 5108. of the Revised Code or, upon request by the county and approval by the Department of Job and Family Services, be transferred to the Child Care Development Fund or the Social Services Block Grant. The county departments of human services may retain and expend such funds without regard to the state or county fiscal year in which the financial incentives were earned or paid. Each county department of human services shall file an annual report with the state Department of Job and Family Services providing detailed information on the expenditure of these financial incentives and an evaluation of the effectiveness of the county department's use of these funds in achieving self-sufficiency for families eligible for assistance under Chapter 5107. or 5108. of the Revised Code.

TANF Transportation Services

From the foregoing appropriation items 600-410, TANF State, or 600-411, TANF Federal Block Grant, or a combination of both, up to $5,000,000 in fiscal year 2001 shall be used to expand the accessibility of transportation services for participants in programs funded from these appropriation items.

Hamilton Health Care Center

In fiscal year 2001, the Director of Job and Family Services shall provide $100,000 from appropriation item 600-410, TANF State, to the Butler County department of human services for the purpose of contracting with the Hamilton Health Care Center to provide health care services for children or their families who reside in Butler County whose income is at or below 200 per cent of the official poverty guideline. The Butler county department of human services and the Hamilton Health Care Center shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be incorporated into the contract.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community

Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended for a family size equal to the size of the family of the person whose income is being determined.

Individual Development Accounts

From the foregoing appropriation item 600-410, TANF State, or 600-411, TANF Federal Block Grant, or a combination of both, up to $2,000,000 in fiscal year 2001 shall be used to allow county departments of human services to make matching contributions to Individual Development Accounts that have been established by residents of the county.

Human Services Personal Care Assistance

In fiscal year 2001, the Director of Job and Family Services shall provide $240,000 from appropriation item 600-410, TANF State to be divided between the county departments of human services of Cuyahoga County and Franklin County to contract with the Rehabilitation Services Commission to place up to 25 TANF-eligible persons into jobs as personal care assistants. The county departments of human services in Cuyahoga County and Franklin County and the Rehabilitation Services Commission shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be incorporated into the contract.

TANF Family Planning

The Director of Budget and Management shall transfer, no later than July 15, 2000, $250,000 in fiscal year 2001 from appropriation item 600-410, TANF State, or 600-411, TANF Federal Block Grant, or a combination of both, to 440-416, Child and Family Health Services to be used for family planning services.

Ohio Association of Second Harvest Food Banks

The Department of Job and Family Services may use up to $2,500,000 in fiscal year 2001 as provided in section 58.10 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families Block Grant to the Social Service Block Grant~~ to support expenditures to Ohio Association of Second Harvest Food Banks pursuant to the following criteria.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended for a family size equal to the size of the family of the person whose income is being determined.

The Department of Job and Family Services shall provide an annual

grant of $2,500,000 in fiscal year 2001 to the Ohio Association of Second Harvest Food Banks. In fiscal year 2001, the Ohio Association of Second Harvest Food Banks shall use $1,500,000 for the purchase of food products for the Ohio Food Program of which up to $105,000 may be used for food storage and transport and shall use $1,000,000 for the Agricultural Surplus Production Alliance Project. Funds provided for the Ohio Food Program shall be used to purchase food products and distribute those food products to agencies participating in the emergency food distribution program. No funds provided through this grant may be used for administrative expenses other than funds provided for food storage and transport. As soon as possible after entering into a grant agreement at the beginning of the fiscal year, the Department of Job and Family Services shall distribute the grant funds in one single payment. The Ohio Association of Second Harvest Food Banks shall develop a plan for the distribution of the food products to local food distribution agencies. Agencies receiving these food products shall ensure that individuals and families who receive any of the food products purchased with these funds have an income at or below 150 per cent of the poverty guideline. The Department of Job and Family Services and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement.

Any fiscal year 2001 funds from this grant remaining unspent on June 30, 2001 shall be returned by the Ohio Association of Second Harvest Food Banks to the Department of Job and Family Services no later than November 1, 2001.

Computer-Related Services

The Department of Job and Family Services may use up to $17,000,000 in state fiscal year 2001 as provided in section 58.10 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families to the Social Services Block Grant~~ to support computer-related expenditures for services that benefit the County Department of Human Services.

Additional Maintenance of Effort and Matching Funding for the Child Care Development Fund

The Department of Job and Family Services may use up to $14,149,542 as provided in section 58.09 of this act ~~transfer sufficient moneys from the Temporary Assistance to Needy Families Block Grant to the Social Service Block Grant~~ to support matching and maintenance of effort requirements of the Child Care Development Fund in order to match all funds for which Ohio is eligible.

Additional Funding for the AdoptOhio Program

The Department of Job and Family Services may use up to $2,116,349

in state fiscal year 2001 as provided in section 58.09 of this act ~~of the funds transferred from the Temporary Assistance to Needy Families Block Grant to the Social Service Block Grant~~ to support expenditures for AdoptOhio if the existing appropriations in 600-527 is not sufficient to support the program.

Inner City Youth Opportunities Program

In fiscal year 2001, the Director of Job and Family Services shall provide $75,000 from appropriation item 600-410, TANF State, to the Hamilton County department of human services to contract with the Inner City Youth Opportunities organization of Cincinnati for the purpose of providing allowable services to TANF-eligible individuals. The Hamilton County department of human services and Inner City Youth Opportunities shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be incorporated into the contract.

TANF Fatherhood Programs

From the foregoing appropriation item 600-411, TANF Federal Block Grant, up to $5,000,000 in fiscal year 2001 shall be used to support local fatherhood programs. Of the foregoing $5,000,000, $300,000 in fiscal year 2001 shall be used to operate a Fatherhood Commission. Of the foregoing $5,000,000, $310,000 in fiscal year 2001 shall be provided to the Cuyahoga County Department of Human Services to contract with the Center for Families and Children for the purpose of providing allowable services to TANF-eligible individuals. The Cuyahoga County Department of Human Services and the Center for Families and Children shall agree on reporting requirements to be incorporated into the contract.

TANF Adult Literacy and Child Reading Programs

From the foregoing appropriation item 600-411, TANF Federal Block Grant, up to $5,000,000 in fiscal year 2001 shall be used to support local adult literacy and child reading programs.

Cincinnati YWCA GED and Child Care Program

In fiscal year 2001, the Director of Job and Family Services shall provide $65,000 from appropriation item 400-410, TANF State, to the Hamilton County department of human services to contract with the YWCA of Greater Cincinnati for the purpose of providing a General Educational Development (GED) program to TANF-eligible individuals, and child care to individuals enrolled in the GED program. The Hamilton County department of human services and the YWCA of Greater Cincinnati shall agree on reporting requirements that meet all TANF reporting requirements and timelines specified by the Department of Job and Family Services to be

incorporated into the contract.

Child Nutrition Services

The Department of Job and Family Services shall use up to $2,500,000 in fiscal year 2001 as provided in section 58.09 of this act ~~2000 of the funds transferred from the Temporary Assistance to Needy Families Block Grant to the Social Services Block Grant~~ to support Child Nutrition Services in the Department of Education. As soon as possible after the effective date of this section, the Department of Job and Family Services shall enter into an interagency agreement with the Department of Education to reimburse the 19 pilot programs that provide nutritional evening meals to adolescents aged 13 through 18 participating in educational or enrichment activities at youth development centers. Such funds shall not be used as matching funds. Eligibility and reporting guidelines shall be detailed in the interagency agreement.

The Director of Budget and Management shall increase the appropriation item authority by $2,500,000 for State Special Revenue Fund, 5B1, Child Nutrition Services, in the Department of Education.

Single Allocation for County Departments of Human Services

Using the foregoing appropriation items 600-504, Non-TANF County Administration; 600-610, Food Stamps and State Administration; 600-410, TANF State; 600-411, TANF Federal Block Grant; 600-620, Social Services Block Grant; 600-552, County Social Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, Day Care Federal; 600-534, Adult Protective Services; and 600-614, Refugees Services, the Department of Job and Family Services may establish a single allocation for county departments of human services that are subject to a partnership agreement between a board of county commissioners and the department. The county department is not required to use all the money from one or more of the foregoing appropriation items listed in this paragraph for the purpose the specific appropriation item is made so long as the county department uses the money for a purpose at least one of the other of those foregoing appropriation items is made. The county department may not use the money in the allocation for a purpose other than a purpose any of those foregoing appropriation items are made. If the spending estimates used in establishing the single allocation are not realized and the county department uses money in one or more of those foregoing appropriation items in a manner for which federal financial participation is not available, the department shall use state funds available in one or more of those foregoing appropriation items to ensure that the county department receives the full amount of its allocation. The single allocation is the maximum amount the county department shall

eceive from those foregoing appropriation items.

Reports on Interagency Transfers

With regard to the foregoing appropriation item 600-655, Interagency Reimbursement, the Department of Job and Family Services shall provide the Legislative Budget Office of the Legislative Service Commission with a report each month that details interagency transfers through the appropriation item. The reports shall break down transfers by agency and appropriation item to which transfers are made. Transfers shall further be broken down by source of federal funds, including federal program number (as shown in the Catalog of Federal Domestic Assistance), grant number, and department reporting category number. In addition, transfers of Medicaid dollars shall be grouped between reimbursement for services and administrative costs. Reports shall be provided to the Legislative Budget Office of the Legislative Service Commission within two weeks after the end of the month.

SECTION 58.05.

Hospital Care Assurance Assessment Match Fund

Appropriation item 600-650, Hospital Care Assurance Assessment Match, shall be used by the Department of Job and Family Services to receive and distribute funds in connection with the Hospital Care Assurance Program.

SECTION 58.06.

Transfer of Funds

The Ohio Department of Job and Family Services shall transfer through intrastate transfer vouchers, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and Community-Based Services, in the Ohio Department of Mental Retardation and Developmental Disabilities. The sum of the transfers shall be equal to the amounts appropriated in fiscal year 2001 in appropriation item 322-604, Waiver - Match. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

The Ohio Department of Job and Family Services shall transfer, through intrastate transfer vouchers, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Ohio Department of Aging. The sum of the transfers shall be equal to the amount appropriated in fiscal year 2001 in appropriation item 490-610, PASSPORT/Residential State Supplement. The

transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

Transfers of IMD/DSH Cash

The Department of Job and Family Services shall transfer, through intrastate transfer voucher, cash from fund 5C9, Medicaid Program Support, to the Department of Mental Health's Fund 4X5, OhioCare, in accordance with an interagency agreement which delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services.

The Director of Budget and Management shall transfer cash from the Department of Job and Family Services, fund 5C9, Medicaid Program Support, in the amount of $2,000,000 in fiscal year 2001 to the Department of Health's Health Services Fund, Fund 5E1.

Transfer from the Children's Trust Fund to the Wellness Block Grant Fund

The Director of Budget and Management shall transfer $1,000,000 in fiscal year 2001 from Fund 198, Children's Trust Fund, to Fund 4N7, Wellness Block Grant, within the Department of Job and Family Services' budget.

Foster Care Liability Coverage

On behalf of public children services agencies, private child placing agencies, private non-custodial agencies and in consultation with the Department of Insurance and the Office of State Purchasing, the Department of Job and Family Services may seek and accept proposals for a uniform and statewide insurance policy to indemnify foster parents for personal injury and property damage suffered by them due to the care of a foster child. Premiums for such a policy shall be the sole responsibility of each public children services agency, private child placing agency and private noncustodial agency that agrees to purchase the insurance policy.

Protective Services Incentive Funding

Notwithstanding the formula in section 5101.14 of the Revised Code, from the foregoing appropriation item 600-527, Child Protective Services, the Department of Job and Family Services may use no more than $2,500,000 in fiscal year 2001 as incentive funding for public children services agencies to promote innovative practice standards and efficiencies in service delivery to and assist public children service agencies in complying with federal reporting requirements. Of this amount, public children services agencies may use $125,000 to pursue accreditation by the Child Welfare League of America. The Department of Human Services shall develop a process for the release of these funds and may adopt rules in

accordance with section 111.15 of the Revised Code governing the distribution, release, and use of these funds.

Statewide Automated Child Welfare Information System

Of the foregoing appropriation item 600-416, Computer Projects, in fiscal year 2001, $10,000,000 shall be used for the development and implementation of the Statewide Automated Child Welfare Information System (SACWIS).

Day Care/Head Start Collaborations

The Department of Job and Family Services and the county departments of human services shall work to develop collaborative efforts between Head Start and child care providers. The Department of Job and Family Services may use the foregoing appropriation items 600-413, Day Care Match/Maintenance of Effort, and 600-617, Day Care Federal, to support collaborative efforts between Head Start and child day-care centers.

Four C's Comprehensive Community Child Care Program

From the foregoing appropriation item 600-617, Day Care Federal, in fiscal year 2001, the Director of Job and Family Services shall provide $25,000 from child care funds to the Hamilton County Department of Human Services to contract with the Four C's Comprehensive Community Child Care for quality activities allowable under the Child Care Development Block Grant. The Hamilton County Department of Human Services and Four C's shall agree on reporting requirements to be incorporated into the contract.

Adoption Assistance

Of the foregoing appropriation item 600-528, State Adoption Services, at least $3,700,000 in fiscal year 2001 shall be used in support of post finalization adoption services offered pursuant to section 5153.163 of the Revised Code. The Department of Job and Family Services shall adopt rules and procedures pursuant to section 111.15 of the Revised Code to set payment levels and limit eligibility for post finalization adoption services as necessary to limit program expenditures to the amounts set forth in this section, based on factors including, but not limited to, any or all of the following: type, or extent, of the adopted child's disability or special need; and resources available to the adoptive family to meet the child's service needs.

Adoption Connection of Cincinnati

Of the foregoing appropriation item 600-528, Adoption Services, $42,000 is earmarked in fiscal year 2000 to support the Adoption Connection of Cincinnati.

Child Support Collections/TANF MOE

The foregoing appropriation item 600-658, Child Support Collections, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of Pub. L. No. 104-193. After the state has met the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600-658 to support public assistance activities.

Private Child Care Agencies Training

The foregoing appropriation item 600-615, Private Child Care Agencies Training, shall be used by the Department of Job and Family Services to provide the state match for federal Title IV-E training dollars for private child placing agencies and private noncustodial agencies. Revenues shall consist of moneys derived from fees established under section 5101.143 of the Revised Code and paid by private child placing agencies and private noncustodial agencies.

Child Care Quality Improvement

The Department of Job and Family Services shall make available to county departments of human services an amount to fund the improvement of the quality of publicly funded child care and access to publicly funded child care, including, but not limited to, recruitment, training, mentoring, and oversight of child care providers or in-home providers.

Transfer for Lead Assessments

Of the foregoing appropriation item 600-525, Health Care/Medicaid, the Department of Job and Family Services may transfer funds from the General Revenue Fund to the General Operations Fund (Fund 142) of the Department of Health. Transfer of the funds shall be made through intrastate transfer voucher pursuant to an interagency agreement for the purpose of performing environmental lead assessments in the homes of Medicaid Healthcheck recipients.

Medicaid Program Support Fund - State

The foregoing appropriation item 600-671, Medicaid Program Support, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

Holding Account Redistribution Group

The foregoing appropriation items 600-643 and 600-644, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Agency Fund Group

The Agency Fund Group shall be used to hold revenues until the

appropriate fund is determined or until they are directed to the appropriate governmental agency other than the Department of Job and Family Services. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Federal Special Revenue Fund Group

The foregoing appropriation items that appear in the Department of Human Service's Federal Special Revenue Fund Group shall be used to collect revenue from various sources and use the revenue to support programs administered by the Department of Human Services. If it is determined that additional appropriation authority is necessary, the department shall notify the Director of Budget and Management on forms prescribed by the Controlling Board. If the Director agrees that the additional appropriation authority is necessary in order to perform the functions allowable in the appropriation item then such amounts are hereby appropriated. The Director shall notify the Controlling Board at their next regularly scheduled meeting as to the action taken.

SECTION 58.07.

Adoptive Placement Payments

The foregoing appropriation item 600-427, Child & Family Services Activities, may be used to make payments pursuant to agreements entered into under section 5103.12 of the Revised Code.

Consolidation of State Grants

With the consent of a county, the Department of Job and Family Services may combine into a single and consolidated grant of state aid, funds that would otherwise be provided to that county pursuant to the operation of section 5101.14 of the Revised Code and other funds that would otherwise be provided to that county for the purpose of providing kinship care. In fiscal year 2001, the grant shall also include unspent funds remaining from any grant provided to the county under this section in fiscal year 2000.

Funds contained in any such consolidation grant shall not be subject to either statutory or administrative rules which would otherwise govern allowable uses from such funds, except that such funds shall continue to be used by the county to meet the expenses of its children services program. Funds contained in any consolidation grant shall be paid to each county within thirty days after the beginning of each calendar quarter. Funds provided to a county under this section shall be deposited in the children services fund, established in section 5101.143 of the Revised Code, and shall be used for no other purpose than to meet the expenses of the children

services program. Within ninety days after the end of fiscal year 2001, each county shall return to the Department of Job and Family Services any unspent balance in the consolidated grant, unless this section is renewed for a subsequent period of time.

SECTION 58.08.

Administration Support Services

The Department of Job and Family Services may assess programs of the department for the cost of administration, support, and technical services. Such an assessment shall be based upon a plan submitted to and approved by the Office of Budget and Management by the first day of August of each fiscal year and shall contain the characteristics of administrative ease and uniform application. A program's payments shall be transferred via intrastate transfer voucher to the Unemployment Compensation Administration Fund (Fund 331).

Employer Surcharge

The surcharge and the interest on the surcharge amounts due for calendar years 1988, 1989, and 1990 as required by Am. Sub. H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118th General Assembly, and section 4141.251 of the Revised Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, again shall be assessed and collected by, accounted for, and made available to the Department of Job and Family Services in the same manner as set forth in section 4141.251 of the Revised Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the repeal of the surcharge for calendar years after 1990, pursuant to Sub. H.B. 478 of the 122nd General Assembly.

SECTION 58.09.

Medicaid Program Support Fund 5C9

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Prior to September 30, 2000, the Department of Job and Family Services shall file claims for reimbursement for all allowable expenditures for services provided by the Department of Human Services, the Department of Job and Family Services, or other agencies, which may qualify for Social Services Block Grant funding pursuant to Title XX of the federal Social Security Act. During fiscal year 2001, the Department of Job and Family Services is authorized to deposit into the Medicaid Program Support Fund (Fund 5C9), receipts from TANF Block Grant funds credited to the Social Services Block Grant. Upon verification of the deposit to Fund 5C9, the

Director of Budget and Management shall transfer the cash receipts received under this section to the General Revenue Fund. The Director shall increase the General Revenue Fund appropriation line items, or establish the General Revenue Fund line items, from which the funds are to be disbursed, for the following purposes and by the following amounts and by any associated increase in federal funds:

Second Harvest Food Bank $2,500,000
Computer Projects $17,000,000
Audits $1,000,000
AdoptOhio $2,116,349
Child Nutrition Services $2,500,000
Child Care Match Up to $14,149,542
Parents Health Insurance $9,425,966
OBES/ODHS Merger Costs Up to $2,000,000
Total $50,691,857

The Director of Budget and Management shall determine if sufficient cash receipts are available to cover the purposes stated in this section. If cash receipts are not sufficient to cover the purposes stated in this section, the Director of Budget and Management shall determine the amounts that will be disbursed for the purposes stated above.

SECTION 59. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund			
GRF 018-321 Operating Expenses	$ 1,020,000	$	1,080,000
TOTAL GRF General Revenue Fund	$ 1,020,000	$	1,080,000
General Services Fund Group			
403 018-601 Ohio Jury Instructions	$ 180,000	$	180,000
TOTAL GSF General Services Fund Group	$ 180,000	$	180,000
TOTAL ALL BUDGET FUND GROUPS	$ 1,200,000	$	1,260,000

Ohio Jury Instructions Fund

The Ohio Jury Instructions Fund (Fund 403) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in dispensing education and informational data to the state's judicial system. Fund 403 shall be used by the Judicial Conference of Ohio to pay expenses incurred in dispensing educational and informational data to the state's judicial system. All moneys accruing to Fund 403 in excess of $180,000 in fiscal year 2000 and in excess of $180,000 in fiscal year 2001 are hereby appropriated for the purposes authorized.

No money in the Ohio Jury Instructions Fund shall be transferred to any

other fund by the Director of Budget and Management or the Controlling Board.

SECTION 60. JSC THE JUDICIARY/SUPREME COURT

General Revenue Fund					
GRF	005-321	Operating Expenses - Judiciary	$ 84,146,536	$	85,597,403
GRF	005-401	State Criminal Sentencing Council	$ 363,182	$	363,568
GRF	005-402	Task Force on Family Law and Children	$ 100,000	$	100,000
GRF	010-321	Operating Expenses - Supreme Court	$ 9,342,738	$	9,377,229
GRF	010-401	Law-Related Education	$ 197,163	$	203,077
TOTAL GRF General Revenue Fund			$ 94,149,619	$	95,641,277
General Services Fund Group					
6A2	005-602	Dispute Resolution	$ 36,050	$	37,132
672	005-601	Continuing Judicial Education	$ 231,750	$	238,703
TOTAL GSF General Services Fund Group			$ 267,800	$	275,835
State Special Revenue Fund Group					
4C8	010-603	Attorney Registration	$ 1,745,355	$	1,735,424
6A8	010-602	Supreme Court Admissions	$ 812,601	$	821,061
643	010-601	Commission on Continuing Legal Education	$ 250,000	$	239,999
TOTAL SSR State Special Revenue Fund Group			$ 2,807,956	$	2,796,484
Federal Special Revenue Fund Group					
3J0	005-603	Federal Grants	$ 781,468	$	816,405
TOTAL FED Federal Special Revenue Fund Group			$ 781,468	$	816,405
TOTAL ALL BUDGET FUND GROUPS			$ 98,006,843	$	99,530,001

Law-Related Education

The foregoing appropriation item 010-401, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

Dispute Resolution

The Dispute Resolution Fund (Fund 6A2) shall consist of grants and other moneys awarded to promote alternative dispute resolution in the Ohio courts and deposited into the Dispute Resolution Fund pursuant to the Rules for the Government of the Bar of Ohio. The foregoing appropriation item 005-602, Dispute Resolution, shall promote alternative dispute resolution programs in the Ohio courts and be used for the education of judges,

orneys, and other court personnel in dispute resolution concepts. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in the Dispute Resolution Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Dispute Resolution Fund shall be credited to the fund.

Continuing Judicial Education

The Continuing Judicial Education Fund (Fund 672) shall consist of fees paid by judges and court personnel for attending continuing education courses and other gifts and grants received for the purpose of continuing judicial education. The foregoing appropriation item 005-601, Continuing Judicial Education, shall be used to pay expenses for continuing education courses for judges and court personnel. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in the Continuing Judicial Education Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Continuing Judicial Education Fund shall be credited to the fund.

Attorney Registration

In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 010-603, Attorney Registration, may be used to compensate employees and fund the appropriate activities of the following offices established by the Supreme Court pursuant to the Rules for the Government of the Bar of Ohio: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, the Board of Commissioners on the Unauthorized Practice of Law, and the Office of Attorney Registration. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in the Attorney Registration Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Attorney Registration Fund shall be credited to the fund.

Supreme Court Admissions

The foregoing appropriation item 010-602, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily

responsible for administering the attorney admissions program, pursuant to the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in the Supreme Court Admissions Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Supreme Court Admissions Fund shall be credited to the fund.

Continuing Legal Education

The foregoing appropriation item 010-601, Commission on Continuing Legal Education, shall be used to compensate employees of the Commission on Continuing Legal Education, established pursuant to the Supreme Court Rules for the Government of the Bar of Ohio, and to fund other activities of the commission considered appropriate by the court. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in the Continuing Legal Education Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Continuing Legal Education Fund shall be credited to the fund.

Federal Miscellaneous

The Federal Miscellaneous Fund (3J0) shall consist of grants and other moneys awarded to the Supreme Court of Ohio (The Judiciary) by the United States Government, the State Justice Institute, or other entities that receive the moneys directly from the United States Government or the State Justice Institute and distribute those moneys to the Supreme Court of Ohio (The Judiciary). The foregoing appropriation item 005-603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in the Federal Miscellaneous Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in the Federal Miscellaneous Fund on or after July 1, 1995, shall be credited or transferred to the General Revenue Fund.

SECTION 61. LEC LAKE ERIE COMMISSION

State Special Revenue Fund Group

4C0	780-601	Lake Erie Protection Fund	$	998,400	$	1,022,362
5D8	780-602	Lake Erie Resources Fund	$	588,759	$	602,889
TOTAL SSR State Special Revenue Fund Group			$	1,587,159	$	1,625,251
TOTAL ALL BUDGET FUND GROUPS			$	1,587,159	$	1,625,251

Cash Transfer

Not later than September 30 of each fiscal year, the executive director of the Lake Erie Commission, with the approval of the Commission, shall certify to the Director of Budget and Management the cash balance in the Lake Erie Resources Fund (Fund 5D8) and may request to transfer cash balances in excess of amounts needed to meet operating expenses from Fund 5D8 to the Lake Erie Protection Fund (Fund 4C0). Cash transferred shall be used for the purposes described in division (A) of section 1506.23 of the Revised Code. Additional appropriation authority in the amount of the cash transfer is hereby appropriated.

SECTION 62. LRS LEGAL RIGHTS SERVICE

General Revenue Fund

GRF	054-100	Personal Services	$	331,826	$	327,673
GRF	054-200	Maintenance	$	48,998	$	50,174
GRF	054-300	Equipment	$	2,680	$	2,744
GRF	054-401	Ombudsman	$	382,659	$	379,363
TOTAL GRF General Revenue Fund			$	766,163	$	759,954

General Services Fund Group

416	054-601	Gifts and Donations	$	1,256	$	1,291
TOTAL GSF General Services Fund Group			$	1,256	$	1,291

Federal Special Revenue Fund Group

3B8	054-603	Protection and Advocacy - Mentally Ill	$	706,422	$	706,422
3N3	054-606	Protection and Advocacy - Individual Rights	$	334,739	$	334,739
3N9	054-607	Assistive Technology	$	83,000	$	83,000
3R9	054-604	Family Support Collaborative	$	200,000	$	200,000
3T2	054-609	Client Assistance Program	$	380,000	$	380,000
305	054-602	Protection and Advocacy - Developmentally Disabled	$	1,059,481	$	1,059,481
TOTAL FED Federal Special Revenue Fund Group			$	2,763,642	$	2,763,642
TOTAL ALL BUDGET FUND GROUPS			$	3,531,061	$	3,524,887

SECTION 63. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund					
GRF	028-321	Legislative Ethics Committee	$ 551,500	$	569,400
TOTAL GRF General Revenue Fund			$ 551,500	$	569,400
State Special Revenue Fund Group					
4G7	028-601	Joint Legislative Ethics Committee	$ 60,000	$	50,000
TOTAL SSR State Special Revenue Fund			$ 60,000	$	50,000
TOTAL ALL BUDGET FUND GROUPS			$ 611,500	$	619,400

SECTION 64. LSC LEGISLATIVE SERVICE COMMISSION

General Revenue Fund					
GRF	035-321	Operating Expenses	$ 8,776,725	$	9,060,000
GRF	035-402	Legislative Interns	$ 840,000	$	890,000
GRF	035-403	Legislative Budget Office	$ 2,841,000	$	2,987,000
GRF	035-404	Legislative Office of Education Oversight	$ 1,191,995	$	1,157,423
GRF	035-405	Correctional Institution Inspection Committee	$ 505,000	$	525,000
GRF	035-406	ATMS Replacement Project	$ 90,000	$	90,000
GRF	035-407	Legislative Task Force on Redistricting	$ 2,400,000	$	2,100,000
GRF	035-409	National Associations	$ 392,674	$	405,717
GRF	035-410	Legislative Information Systems	$ 5,260,000	$	4,265,000
TOTAL GRF General Revenue Fund			$ 22,297,394	$	21,480,140
General Services Fund Group					
4F6	035-603	Legislative Budget Services	$ 140,000	$	144,000
410	035-601	Sale of Publications	$ 25,000	$	25,000
TOTAL GSF General Services Fund Group			$ 165,000	$	169,000
TOTAL ALL BUDGET FUND GROUPS			$ 22,462,394	$	21,649,140

Operating Expenses

Of the foregoing appropriation item 035-321, Operating Expenses, $350,000 in fiscal year 2000 and $175,000 in fiscal year 2001 shall be used to pay for equipment for the electronic filing of rules and related documents.

Of the foregoing appropriation item 035-321, Operating Expenses, up to $10,000 in each fiscal year may be used to contract with a non-profit assistive technology organization for the purpose of providing public documents produced by or for the General Assembly in alternative formats when feasible.

On or before July 15, 1999, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the commission for fiscal year 1999 in appropriation items 035-321, 035-402, 035-403, 035-404, 035-405, 035-406, 035-407, 035-409, 035-410, and 035-412. Additional appropriation authority equal to the amount

certified is hereby appropriated to appropriation item 035-321, Operating Expenses, for fiscal year 2000.

ATMS Replacement Project

Of the foregoing appropriation item 035-406, ATMS Replacement Project, any amounts not used for the ATMS project may be used to pay the operating expenses of the Legislative Service Commission.

Legislative Task Force on Redistricting

Of the foregoing appropriation item 035-407, Legislative Task Force on Redistricting, $400,000 in fiscal year 2000 and $100,000 in fiscal year 2001 shall be used to assist county boards of elections to comply with the requirement of using census bureau geography to determine precinct boundaries. Upon written request from the Secretary of State, the Director of the Legislative Service Commission shall transfer $400,000 in fiscal year 2000 and $100,000 in fiscal year 2001 to the Secretary of State. Transfer shall be made through intrastate voucher. The Secretary of State shall expend the transferred funds in accordance with the requirements of this section.

National Associations

Of the foregoing appropriation item 035-409, National Associations, $8,000 in each fiscal year shall be used for the State and Local Legal Center.

Legislative Office of Education Oversight

The foregoing appropriation item 035-404, Legislative Office of Education Oversight, shall be used to support the legislative oversight activities of the Legislative Committee on Education Oversight established in section 3301.68 of the Revised Code.

Section 103.141 Report

Notwithstanding section 103.141 of the Revised Code, the Legislative Budget Office of the Legislative Service Commission may submit the estimates required by that section for calendar years 1996 and 1997 in October 2000.

LBO Child Care Study

The Legislative Budget Office of the Legislative Service Commission (LBO) shall undertake a study of publicly funded child care payment procedures and make recommendations regarding the feasibility and the potential for development of a cost-based prospective payment system. Any prospective payment system should provide for predictability and stability of payment and should take into consideration facility costs and training costs. LBO shall report its findings to the Speaker and Minority Leader of the House of Representatives, President and Minority Leader of the Senate, and the Governor no later than July 1, 2000.

SECTION 65. LIB STATE LIBRARY BOARD

General Revenue Fund

GRF	350-100	Personal Services	$ 5,329,439	$	5,270,958
GRF	350-200	Maintenance	$ 2,167,742	$	1,852,248
GRF	350-300	Equipment	$ 1,966,322	$	579,914
GRF	350-400	Ohio Public Library Information Network	$ 5,712,486	$	5,854,002
GRF	350-501	Cincinnati Public Library	$ 751,887	$	769,932
GRF	350-502	Regional Library Systems	$ 1,871,151	$	1,926,769
GRF	350-503	Cleveland Public Library	$ 1,140,923	$	1,164,705
GRF	350-505	Netwellness	$ 750,000	$	750,000
TOTAL GRF General Revenue Fund			$ 19,689,950	$	18,168,528

General Services Fund Group

139	350-602	Intra-Agency Service Charges	$ 28,123	$	28,911
459	350-602	Interlibrary Service Charges	$ 774,564	$	781,280
TOTAL GSF General Services Fund Group			$ 802,687	$	810,191

Federal Special Revenue Fund Group

313	350-601	LSTA Federal	$ 5,163,542	$	5,163,542
TOTAL FED Federal Special Revenue Fund Group			$ 5,163,542	$	5,163,542
TOTAL ALL BUDGET FUND GROUPS			$ 25,656,179	$	24,142,261

Maintenance

Of the foregoing appropriation item, 350-200, Maintenance, $400,000 in fiscal year 2000 shall be used to fund the relocation of the State Library from the State Departments Building.

Equipment

Of the foregoing appropriation item, 350-300, Equipment, $1,400,000 in fiscal year 2000 shall be used to fund the relocation of the State Library from the State Departments Building.

Ohio Public Library Information Network

The foregoing appropriation item 350-400, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may be certified as participants by the Ohio Public Library Information Network Board.

The Ohio Public Library Information Network Board shall consist of eleven members appointed by the State Library Board from among the staff of public libraries and past and present members of boards of trustees of public libraries, based on the recommendations of the Ohio library community. The Ohio Public Library Information Network Board in consultation with the State Library shall develop a plan of operations for the network. The Board shall have the authority to make decisions regarding the

use of the foregoing appropriation item 350-400, Ohio Public Library Information Network, and to receive and expend grants to carry out the operations of the network in accordance with state law and the authority to appoint and fix the compensation of a director and necessary staff. The State Library will be the fiscal agent for the network and shall have fiscal accountability for the expenditure of funds. The Ohio Public Library Information Network Board members shall be reimbursed for actual travel and necessary expenses incurred in the carrying out of their responsibilities.

In order to limit access to obscene and illegal materials through internet use at Ohio Public Library Information Network (OPLIN) terminals, local libraries with OPLIN computer terminals shall adopt policies that control access to obscene and illegal materials. These policies may include use of technological systems to select or block certain internet access. The OPLIN shall condition provision of its funds, goods, and services on compliance with these policies. The OPLIN board shall also adopt and communicate specific recommendations to local libraries on methods to control such improper usage. These methods may include each library implementing a written policy controlling such improper use of library terminals and requirements for parental involvement or written authorization for juvenile internet usage.

Of the foregoing appropriation item 350-400, Ohio Public Library Information Network, up to $66,000 in fiscal year 2000 and up to $72,000 in fiscal year 2001 shall be used to help local libraries purchase filters to screen out obscene and illegal internet materials.

The OPLIN board shall research and assist or advise local libraries with emerging technologies and methods that may be effective means to control access to obscene and illegal materials. On October 1, 1999, and biannually thereafter, the OPLIN Executive Director shall provide written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in this state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

The Ohio Public Library Information Network, InfOhio, and OhioLink shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

Regional Library Systems

Of the foregoing appropriation item 350-502, Regional Library

Systems, $1,009,881 in fiscal year 2000 and $1,044,829 in fiscal year 2001 shall be used to replace federal dollars that will be eliminated due to the expiration of the Library Services and Construction Act (LSCA).

Netwellness

The foregoing appropriation item 350-505, Netwellness, shall be used to fund the Netwellness program, a joint venture of the University of Cincinnati, Case Western Reserve University, and The Ohio State University.

SECTION 66. LCO LIQUOR CONTROL COMMISSION

Liquor Control Fund Group

043	970-321	Operating Expenses	$ 656,322	$	671,416
TOTAL LCF Liquor Control Fund Group			$ 656,322	$	671,416
TOTAL ALL BUDGET FUND GROUPS			$ 656,322	$	671,416

SECTION 67. MED STATE MEDICAL BOARD

General Services Fund Group

5C6	883-609	State Medical Board Operating	$ 5,891,825	$	5,861,245
TOTAL GSF General Services Fund Group			$ 5,891,825	$	5,861,245
TOTAL ALL BUDGET FUND GROUPS			$ 5,891,825	$	5,861,245

SECTION 68. DMH DEPARTMENT OF MENTAL HEALTH

Division of General Administration Intragovernmental Service Fund Group

151	235-601	General Administration	$ 72,523,765	$	74,161,226
TOTAL ISF Intragovernmental Service Fund Group			$ 72,523,765	$	74,161,226

Division of Mental Health--
Psychiatric Services to Correctional Facilities

General Revenue Fund

GRF	332-401	Forensic Services	$ 4,206,155	$	4,395,782
TOTAL GRF General Revenue Fund			$ 4,206,155	$	4,395,782
TOTAL ALL BUDGET FUND GROUPS			$ 76,729,920	$	78,557,008

Forensic Services

The foregoing appropriation item 322-401, Forensic Services, shall be used to provide psychiatric services to courts of common pleas. The appropriation shall be allocated through community mental health boards to certified community agencies and shall be distributed according to the criteria delineated in Rule 5122:4-1-01 of the Administrative Code. These community forensic funds may also be used to provide forensic training to community mental health boards and to forensic psychiatry residency

grams in hospitals operated by the Department of Mental Health and to provide evaluations of patients of forensic status in facilities operated by the Department of Mental Health prior to conditional release to the community.

In addition, appropriation item 332-401 may be used to support projects involving mental health, substance abuse, courts, and law enforcement to identify and develop appropriate alternative services to institutionalization for non-violent mentally ill offenders, and to provide linkage to community services for severely mentally disabled offenders released from institutions operated by the Department of Rehabilitation and Correction. Funds may also be utilized to provide forensic monitoring and tracking in addition to community programs serving persons of forensic status on conditional release or probation.

Diversion Linkage Projects

Any cash transferred from the Department of Rehabilitation and Correction Community Mental Health and Substance Abuse Treatment Fund (Fund 4J3) and from the Department of Youth Services Community Mental Health and Substance Abuse Treatment Fund (Fund 4J7) to the Department of Mental Health (Fund 149) shall be used by the Department of Mental Health to fund existing county Diversion Linkage projects which provide alternative services to institutionalization for non-violent mentally ill offenders. The amount of the transfer is hereby appropriated.

Division of Mental Health--
Administration and Statewide Programs

General Revenue Fund				
GRF	333-100	Personal Services - Central Administration	$ 18,585,795	$ 17,027,859
GRF	333-200	Maintenance - Central Administration	$ 2,378,563	$ 2,348,974
GRF	333-300	Equipment - Central Administration	$ 1,004,165	$ 506,598
GRF	333-402	Resident Trainees	$ 1,490,174	$ 1,519,977
GRF	333-403	Pre-Admission Screening Expenses	$ 645,750	$ 658,665
GRF	333-415	Rental Payments OPFC	$ 30,000,000	$ 28,600,000
GRF	333-416	Research Program Evaluation	$ 958,606	$ 984,933
TOTAL GRF General Revenue Fund			$ 55,063,053	$ 51,647,006
General Services Fund Group				
149	333-609	Central Office Rotary - Operating	$ 3,512,727	$ 1,135,684
TOTAL General Services Fund Group			$ 3,512,727	$ 1,135,684
Federal Special Revenue Fund Group				
3A7	333-612	Social Services Block Grant	$ 25,000	$ 25,000
3A8	333-613	Federal Grant - Administration	$ 24,880	$ 24,880
3A9	333-614	Mental Health Block Grant	$ 994,212	$ 644,212

3B1	333-635	Community Medicaid Expansion	$ 4,465,264	$ 4,465,264
324	333-605	Medicaid/Medicare	$ 816,693	$ 700,846
TOTAL Federal Special Revenue Fund Group			$ 6,326,049	$ 5,860,202
State Special Revenue Fund Group				
4X5	333-607	Behavioral Health Medicaid Services	$ 3,200,000	$ 2,775,000
485	333-632	Mental Health Operating	$ 124,284	$ 127,764
TOTAL State Special Revenue Fund Group			$ 3,324,284	$ 2,902,764
TOTAL ALL BUDGET FUND GROUPS			$ 68,226,113	$ 61,545,656

Residency Traineeship Programs

The foregoing appropriation item 333-402, Resident Trainees, shall be used to fund training agreements entered into by the Department of Mental Health for the development of curricula and the provision of training programs to support public mental health services. The appropriation line item may also be used to assist in the development of a statewide public academic mental health council to coordinate the collaboration between the public mental health system and college and university traineeship programs established pursuant to section 5119.11 of the Revised Code.

Pre-Admission Screening Expenses

The foregoing appropriation item 333-403, Pre-Admission Screening Expenses, shall be used to pay for costs to ensure that uniform statewide methods for pre-admission screening are in place to perform assessments for persons in need of mental health services or for whom institutional placement in a hospital or in another inpatient facility is sought. Pre-admission screening includes the following activities: pre-admission assessment, consideration of continued stay requests, discharge planning and referral, and adjudication of appeals and grievance procedures.

Rental Payments to the Ohio Public Facilities Commission

The foregoing appropriation item 333-415, Rental Payments OPFC, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Mental Health to the Ohio Public Facilities Commission pursuant to leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of $58,600,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

SECTION 68.01.

Division of Mental Health
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Hospitals

General Revenue Fund					
GRF	334-408	Community and Hospital Mental Health Services	$ 343,457,861	$	349,242,440
GRF	334-506	Court Costs	$ 966,274	$	989,465
TOTAL GRF General Revenue Fund			$ 344,424,135	$	350,231,905
General Services Fund Group					
149	334-609	Hospital Rotary - Operating Expenses	$ 4,291,568	$	2,196,668
150	334-620	Special Education	$ 105,250	$	105,250
TOTAL GSF General Services Fund Group			$ 4,396,818	$	2,301,918
Federal Special Revenue Fund Group					
3B0	334-617	Elementary and Secondary Education Act	$ 180,348	$	189,215
324	334-605	Medicaid/Medicare	$ 13,160,416	$	13,299,340
TOTAL FED Federal Special Revenue Fund Group			$ 13,340,764	$	13,488,555
State Special Revenue Fund Group					
485	334-632	Mental Health Operating	$ 2,565,188	$	2,651,013
692	334-636	Community Mental Health Board Risk Fund	$ 581,871	$	598,163
TOTAL SSR State Special Revenue Fund Group			$ 3,147,059	$	3,249,176
TOTAL ALL BUDGET FUND GROUPS			$ 365,308,776	$	369,271,554

Community Mental Health Board Risk Fund

The foregoing appropriation item 334-636, Community Mental Health Board Risk Fund, shall be used to make payments pursuant to section 5119.62 of the Revised Code.

SECTION 68.02.

Division of Mental Health
--
Community Support Services

General Revenue Fund					
GRF	335-419	Community Medication Subsidy	$ 7,181,673	$	7,701,549
GRF	335-502	Community Mental Health Programs	$ 37,272,143	$	38,166,674
GRF	335-508	Services for Severely Mentally Disabled	$ 58,991,734	$	60,405,135
TOTAL GRF General Revenue Fund			$ 103,445,550	$	106,273,358
General Services Fund Group					
4N8	335-606	Family Stability Incentive	$ 7,196,000	$	7,300,000
TOTAL GSF General Services					

Fund Group			$ 7,196,000	$ 7,300,000
Federal Special Revenue Fund Group				
3A7	335-612	Social Services Block Grant	$ 12,519,873	$ 9,250,982
3A8	335-613	Federal Grant - Community Mental Health Board Subsidy	$ 787,000	$ 597,120
3A9	335-614	Mental Health Block Grant	$ 16,128,136	$ 16,128,136
3B1	335-635	Community Medicaid Expansion	$ 145,600,000	$ 151,424,000
TOTAL FED Federal Special Revenue Fund Group			$ 175,035,009	$ 177,400,238
TOTAL ALL BUDGET FUND GROUPS			$ 285,676,559	$ 290,973,596
DEPARTMENT TOTAL GENERAL REVENUE FUND			$ 507,138,893	$ 512,548,051
DEPARTMENT TOTAL GENERAL SERVICES FUND GROUP			$ 15,105,545	$ 10,737,602
DEPARTMENT TOTAL FEDERAL SPECIAL REVENUE FUND GROUP			$ 194,701,822	$ 196,748,995
DEPARTMENT TOTAL STATE SPECIAL REVENUE FUND GROUP			$ 6,471,343	$ 6,151,940
DEPARTMENT TOTAL INTRAGOVERNMENTAL FUND GROUP			$ 72,523,765	$ 74,161,226
TOTAL DEPARTMENT OF MENTAL HEALTH			$ 795,941,368	$ 800,347,814

SECTION 68.03.

Community Medication Subsidy

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.

General Community Mental Health Programs

The foregoing appropriation item 335-502, Community Mental Health Programs, shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards.

The purpose of the appropriation shall be to provide subsidized support for general mental health services to Ohioans. The range of mental health services eligible for funding shall be defined in a Department of Mental Health administrative rule. Community mental health boards shall allocate funds in support of these services in accordance with the mental health needs of the community.

Mental Health Services for Severely Mentally Disabled Persons

The foregoing appropriation item 335-508, Services for Severely Mentally Disabled, shall be used to fund mental health services for adults

and children who meet or have formerly met criteria established by the Department of Mental Health under its definition of severely mentally disabled. Those adults and children who constitute severely mentally disabled shall include those with a history of recent or chronic psychiatric hospitalizations, a history of psychosis, a prognosis of continued severe social and adaptive functioning impairment, or those certified impaired by the Social Security Administration for reasons of mental illness. In addition to the above, children and adolescents who are currently determined to be severely mentally disabled, or who are at risk of becoming severely mental disabled, and who are already in or about to enter the juvenile justice system, or child welfare system, or receiving special education services within the education system may also receive services funded by appropriation item 335-508, Services for Severely Mentally Disabled.

Of the foregoing appropriation item 335-508, Services for Serverely Mentally Disabled, $100,000 in each fiscal year shall be used to fund family and consumer education and support.

Of the foregoing appropriation item 335-508, Services for Severely Mentally Disabled, $2.7 million in each fiscal year shall be used to transfer cash from the General Revenue Fund to Fund 4N8, Family Stability Incentive. This transfer shall be made using an intrastate voucher.

Behavioral Health Medicaid Services

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Human Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Human Services.

Community Capital Replacement Facility Fund

Any proceeds received from the sale of property approved by the Director of Mental Health under section 5119.631 of the Revised Code are hereby appropriated.

SECTION 68.04. Not later than July 1, 2001, the Directors of Mental Health, Health, and Aging shall convene a group of key relevant constituencies to evaluate the implementation of sections 173.35, 340.03, 340.091, 3722.01, 3722.011, 3722.10, 3722.15, 3722.16, 3722.18, and 5119.61 of the Revised Code, as amended or enacted by this act. The group shall report its findings and recommendations to the directors and General Assembly not later than July 1, 2002.

SECTION 69. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

SECTION 69.01.

General Administration and Statewide Services

General Revenue Fund				
GRF	320-321	Central Administration	$ 12,054,435	$ 11,889,457
GRF	320-411	Special Olympics	$ 200,000	$ 200,000
GRF	320-412	Protective Services	$ 1,310,648	$ 1,342,104
GRF	320-415	Rent Payments-OPFC	$ 30,000,000	$ 28,600,000
TOTAL GRF General Revenue Fund			$ 43,565,083	$ 42,031,561
General Services Fund Group				
4B5	320-640	Conference/Training	$ 761,387	$ 780,768
TOTAL GSF General Services Fund Group			$ 761,387	$ 780,768
Federal Special Revenue Fund Group				
3A4	320-605	Administrative Support	$ 5,795,804	$ 6,491,300
3A5	320-613	DD Council Operating Expenses	$ 992,486	$ 992,486
325	320-634	Protective Services	$ 916,969	$ 916,969
TOTAL FED Federal Special Revenue Fund Group			$ 7,705,259	$ 8,400,755
TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES BUDGET FUND GROUPS			$ 52,031,729	$ 51,213,084

Rental Payments to the Ohio Public Facilities Commission

The foregoing appropriation item 320-415, Rent Payments - OPFC, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Mental Retardation and Developmental Disabilities to the Ohio Public Facilities Commission pursuant to leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of $58,600,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

SECTION 69.02.

Community Services

General Revenue Fund				
GRF	322-405	State Use Program	$ 268,364	$ 264,685

GRF	322-413	Residential and Support Services	$ 133,882,337	$ 137,095,513
GRF	322-451	Family Support Services	$ 7,705,342	$ 7,975,870
GRF	322-452	Case Management	$ 6,235,022	$ 6,384,663
GRF	322-501	County Boards Subsidies	$ 45,720,356	$ 46,817,644
TOTAL GRF General Revenue Fund			$ 193,811,421	$ 198,538,375
General Services Fund Group				
4J6	322-645	Intersystem Services for Children	$ 3,798,005	$ 3,907,448
4U4	322-606	Community MR and DD Trust	$ 116,242	$ 119,201
4V1	322-611	Program Support	$ 110,560	$ 113,374
4V1	322-615	Ohio's Self-Determination Project	$ 131,666	$ 131,666
488	322-603	Residential Services Refund	$ 3,297,786	$ 3,650,224
TOTAL GSF General Services Fund Group			$ 7,454,259	$ 7,921,913
Federal Special Revenue Fund Group				
3A4	322-605	Community Program Support	$ 2,569,284	$ 2,749,134
3A4	322-610	Community Residential Support	$ 5,537,250	$ 5,924,858
3A5	322-613	DD Council Grants	$ 3,358,290	$ 3,358,290
3G6	322-639	Medicaid Waiver	$ 135,921,846	$ 136,602,770
3M7	322-650	CAFS Medicaid	$ 141,058,250	$ 141,890,490
325	322-608	Federal Grants - Operating Expenses	$ 1,197,586	$ 1,225,523
325	322-612	Social Service Block Grant	$ 15,100,000	$ 15,100,000
325	322-614	Health and Human Services	$ 214,245	$ 214,245
325	322-617	Education Grants - Operating	$ 277,650	$ 277,650
TOTAL FED Federal Special Revenue Fund Group			$ 305,234,401	$ 307,342,960
State Special Revenue Fund Group				
4K8	322-604	Waiver - Match	$ 12,868,321	$ 12,532,806
5H0	322-619	Medicaid Repayment	$ 534,560	$ 549,980
TOTAL SSR State Special Revenue Fund Group			$ 13,402,881	$ 13,082,786
TOTAL ALL COMMUNITY SERVICES BUDGET FUND GROUPS			$ 519,902,962	$ 526,886,034

Residential and Support Services

The foregoing appropriation item 322-413, Residential and Support Services, shall be used for any of the following:

(A) Home and community-based waiver services pursuant to Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(B) Services contracted by county boards of mental retardation and developmental disabilities;

(C) Supported living services contracted by county boards of mental retardation and developmental disabilities in accordance with sections 5126.40 to 5126.47 of the Revised Code;

(D) County board of mental retardation and developmental disabilities contracted purchase of service;

(E) Sermak Class Services used to implement the requirements of the consent decree in the case of Sermak v. Manuel, Case No. c-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division.

Notwithstanding Chapters 5123. and 5126. of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may develop residential and support service programs that enable persons with mental retardation and developmental disabilities to live in the community. Notwithstanding Chapter 5121. and section 5123.122 of the Revised Code, the department may waive the support collection requirements of those statutes for persons in community programs developed by the department under this section. The department shall adopt rules under Chapter 119. of the Revised Code or may use existing rules for the implementation of these programs.

The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 332-413, Residential and Support Services, to county boards of mental retardation and developmental disabilities that have greater need for various residential and support services due to a percentage of residential and support services development in comparison to the number of individuals with mental retardation or developmental disabilities in the county.

Family Support Services

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 5126.11 of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may implement programs funded by appropriation item 322-451, Family Support Services, to provide assistance to persons with mental retardation or developmental disabilities and their families who are living in the community. The department shall adopt rules to implement these programs.

Case Management

The foregoing appropriation item 322-452, Case Management, shall be allocated to county boards of mental retardation and developmental disabilities for the purpose of providing case management services and to assist in bringing state funding for all department-approved case managers within county boards of mental retardation and developmental disabilities to the level authorized in division (D) of section 5126.15 of the Revised Code. The department may request approval from the Controlling Board to transfer any unobligated appropriation authority from other state General Revenue

Fund appropriation items within the department's budget to appropriation item 322-452, Case Management, to be used to meet the statutory funding level in division (D) of section 5126.15 of the Revised Code.

Notwithstanding division (D) of section 5126.15 of the Revised Code and subject to funding in appropriation item 322-452, Case Management, no county may receive less than its allocation in fiscal year 1995.

State Subsidies to MR/DD boards

Of the foregoing appropriation item 322-501, County Boards Subsidies, $1,500,000 in each fiscal year shall be used to fund the tax equity program in accordance with sections 5126.16, 5126.17, and 5126.18 of the Revised Code.

Of the foregoing appropriation item 322-501, County Boards Subsidies, up to $550,000 in fiscal year 2000 may be used to contract with The MR/DD Services Group, LLC for the technical assistance to county boards of mental retardation and developmental disabilities and other agencies under contract with the county boards of mental retardation and developmental disabilities for the implementation of Medicaid services. The Department of Mental Retardation and Developmental Disabilities shall monitor the contract and provide guidance and assistance, as needed, to accomplish the functions associated with the contract.

Of the foregoing appropriation item 322-501, County Boards Subsidies, up to $550,000 in fiscal year 2001 may be used to solicit requests for proposal for technical assistance to county boards of mental retardation and developmental disabilities and other agencies under contract with the county boards of mental retardation and developmental disabilities for the implementation of Medicaid services. The Department of Mental Retardation and Developmental Disabilities shall monitor the contract and provide guidance and assistance, as needed, to accomplish the functions associated with the contract.

Waiver - Match

The foregoing appropriation item 322-604, Waiver-Match (Fund 4K8), shall be used as state matching funds for the home and community-based waivers.

The Department of Human Services may enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities providing for the Department of Mental Retardation and Developmental Disabilities to operate the program.

Developmental Center Program to Develop a Model Billing for Services Rendered

Developmental centers of the Department of Mental Retardation and

Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The department may develop a methodology for recovery of all costs associated with the provisions of these services.

SECTION 69.03.

Residential Facilities

General Revenue Fund				
GRF	323-321	Residential Facilities Operations	$ 104,027,497	$ 103,976,271
TOTAL GRF General Revenue Fund			$ 104,027,497	$ 103,976,271
General Services Fund Group				
152	323-609	Residential Facilities Support	$ 849,108	$ 870,772
TOTAL GSF General Services Fund Group			$ 849,108	$ 870,772
Federal Special Revenue Fund Group				
3A4	323-605	Residential Facilities Reimbursement	$ 125,178,287	$ 125,985,419
325	323-608	Federal Grants - Subsidies	$ 401,173	$ 429,255
325	323-617	Education Grants - Residential Facilities	$ 374,882	$ 374,882
TOTAL FED Federal Special Revenue Fund Group			$ 125,954,342	$ 126,789,556
State Special Revenue Fund Group				
489	323-632	Operating Expense	$ 10,297,985	$ 10,726,617
TOTAL SSR State Special Revenue Fund Group			$ 10,297,985	$ 10,726,617
TOTAL ALL RESIDENTIAL FACILITIES BUDGET FUND GROUPS			$ 241,128,932	$ 242,363,216
DEPARTMENT TOTAL GENERAL REVENUE FUND			$ 341,404,001	$ 344,546,207
DEPARTMENT TOTAL GENERAL SERVICES FUND GROUP			$ 9,064,754	$ 9,573,453
DEPARTMENT TOTAL FEDERAL SPECIAL REVENUE FUND GROUP			$ 438,894,002	$ 442,533,271
DEPARTMENT TOTAL STATE SPECIAL REVENUE FUND GROUP			$ 23,700,866	$ 23,809,403
TOTAL DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL			$ 813,063,623	$ 820,462,334

DISABILITIES

SECTION 70. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

GRF	149-321	Operating Expenses	$ 572,555	$	582,837
GRF	149-501	Minority Health Grants	$ 1,047,826	$	1,072,973
GRF	149-502	Lupus Program	$ 182,298	$	186,673
TOTAL GRF General Revenue Fund			$ 1,802,679	$	1,842,483

State Special Revenue Fund Group

4C2	149-601	Minority Health Conference	$ 121,051	$	124,231
TOTAL SSR State Special Revenue Fund Group			$ 121,051	$	124,231
TOTAL ALL BUDGET FUND GROUPS			$ 1,923,730	$	1,966,714

Lupus Program

The foregoing appropriation item 149-502, Lupus Program, shall be used to provide grants for programs in patient, public, and professional education on the subject of Systemic Lupus Erythemtosus; to encourage and develop local centers on lupus information gathering and screening; and to provide outreach to minority women.

SECTION 71. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD

General Service Fund Group

5H9	865-609	Operating Expenses	$ 228,638	$	228,778
TOTAL GSF General Services Fund Group			$ 228,638	$	228,778
TOTAL ALL BUDGET FUND GROUPS			$ 228,638	$	228,778

SECTION 72. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund

GRF	725-401	Wildlife - GRF Central Support	$ 1,221,229	$	1,268,315
GRF	725-404	Fountain Square Rental Payments - OBA	$ 1,087,000	$	1,093,000
GRF	725-408	Reclamation and Mining	$ 2,406,020	$	2,408,999
GRF	725-412	Reclamation Commission	$ 66,475	$	68,165
GRF	725-413	OPFC Rental Payments	$ 15,660,000	$	12,750,000
GRF	725-415	Mine Examining Board	$ 121,083	$	123,963
GRF	725-423	Stream and Ground Water Gauging	$ 422,863	$	459,387
GRF	725-425	Wildlife License Reimbursement	$ 1,000,000	$	1,000,000
GRF	725-456	Canal Lands	$ 414,783	$	423,203
GRF	725-502	Soil and Water Districts	$ 11,414,494	$	12,140,831
GRF	725-507	Conservation Reserve	$ 2,000,000	$	2,000,000

		ement Program				
GRF	727-321	Division of Forestry	$	10,203,524	$	10,081,427
GRF	728-321	Division of Geological Survey	$	2,164,135	$	2,270,778
GRF	729-321	Computer Information Services & Communications	$	1,172,567	$	1,214,464
GRF	730-321	Division of Parks and Recreation	$	35,255,224	$	34,951,655
GRF	733-321	Division of Water	$	3,944,652	$	3,998,080
GRF	734-321	Division of Oil and Gas	$	725,366	$	1,614,957
GRF	736-321	Division of Chief Engineer	$	4,371,204	$	3,773,672
GRF	737-321	Division of Soil and Water	$	4,092,866	$	4,382,166
GRF	738-321	Office of Real Estate and Land Management	$	3,099,898	$	2,650,457
GRF	741-321	Division of Natural Areas	$	3,415,305	$	3,396,390
GRF	743-321	Division of Civilian Conservation	$	5,100,636	$	5,225,382
TOTAL GRF General Revenue Fund			$	109,359,324	$	107,295,291
General Services Fund Group						
155	725-601	Departmental Projects	$	1,491,770	$	1,468,051
157	725-651	Central Support Indirect	$	7,302,432	$	7,273,923
158	725-604	Natural Resources Publication Center Intrastate	$	79,170	$	80,154
161	725-635	Parks Facilities Maintenance	$	2,666,395	$	2,737,935
162	725-625	CCC Operations	$	2,261,993	$	2,156,861
204	725-687	Information Services	$	2,217,392	$	2,145,631
206	725-689	REALM Support Services	$	447,811	$	473,152
207	725-690	Real Estate	$	53,924	$	55,320
4D5	725-618	Recycled Materials	$	103,429	$	106,272
4S9	725-622	NatureWorks Personnel	$	687,136	$	690,700
4X8	725-662	Water Planning Council	$	262,900	$	269,700
430	725-671	Canal Lands	$	1,029,302	$	998,044
5F9	725-663	Flood Reimbursement	$	99,109	$	0
508	725-684	Natural Resources Publication Center Interstate	$	393,166	$	361,877
510	725-631	Maintenance - state-owned residences	$	230,669	$	220,771
516	725-620	Water Management	$	2,407,372	$	2,404,055
519	725-623	Burr Oak Water Plant	$	1,149,523	$	1,750,680
635	725-664	Fountain Square Facilities Management	$	2,595,957	$	2,699,355
697	725-670	Submerged Lands	$	547,762	$	567,920
TOTAL GSF General Services Fund Group			$	26,027,212	$	26,460,401
Federal Special Revenue Fund Group						
3B3	725-640	Federal Forest Pass-Thru	$	55,000	$	55,000
3B4	725-641	Federal Flood Pass-Thru	$	185,000	$	190,000
3B5	725-645	Federal Abandoned Mine Lands	$	7,418,833	$	7,630,403
3B6	725-653	Federal Land and Water Conservation	$	130,000	$	120,000
3B7	725-654	Reclamation-Regulatory	$	2,214,846	$	2,265,932
3P0	725-630	Natural Areas and Preserves-Federal	$	262,400	$	185,000

3P1	725-632	Geological Survey-Federal	$ 350,000	$ 350,000
3P2	725-642	Oil and Gas-Federal	$ 223,700	$ 111,850
3P3	725-650	Real Estate and Land Management-Federal	$ 2,857,755	$ 3,185,120
3P4	725-660	Water-Federal	$ 180,000	$ 180,000
3R5	725-673	Acid Mine Drainage Abatement/Treatment	$ 600,000	$ 600,000
328	725-603	Forestry Federal	$ 1,017,600	$ 1,017,600
332	725-669	Federal Mine Safety Grant	$ 133,095	$ 137,056
TOTAL FED Federal Special Revenue Fund Group			$ 15,628,229	$ 16,027,961

State Special Revenue Fund Group

4B8	725-617	Forestry Development	$ 25,000	$ 25,000
4J2	725-628	Injection Well Review	$ 68,428	$ 54,440
4M7	725-631	Wildfire Suppression	$ 100,000	$ 100,000
4U6	725-668	Scenic Rivers Protection	$ 261,307	$ 268,431
5B3	725-674	Mining Regulation	$ 49,757	$ 49,805
509	725-602	State Forest	$ 1,520,379	$ 1,440,326
511	725-646	Ohio Geologic Mapping	$ 839,340	$ 763,717
512	725-605	State Parks Operations	$ 27,150,223	$ 27,048,732
514	725-606	Lake Erie Shoreline	$ 828,311	$ 729,492
518	725-643	Oil and Gas Permit Fees	$ 3,118,829	$ 2,378,496
518	725-677	Oil and Gas Well Plugging	$ 800,000	$ 800,000
521	725-627	Off-Road Vehicle Trails	$ 62,036	$ 63,790
522	725-656	Natural Areas Checkoff Funds	$ 745,301	$ 766,169
525	725-608	Reclamation Forfeiture	$ 597,082	$ 597,664
526	725-610	Strip Mining Administration Fees	$ 1,956,599	$ 2,006,000
527	725-637	Surface Mining Administration	$ 1,964,078	$ 2,016,050
529	725-639	Unreclaimed Land Fund	$ 1,335,879	$ 1,349,327
530	725-647	Surface Mining Reclamation	$ 76,725	$ 78,951
531	725-648	Reclamation Supplemental Forfeiture	$ 1,352,208	$ 1,389,401
532	725-644	Litter Control and Recycling	$ 10,965,210	$ 11,264,587
615	725-661	Dam Safety	$ 136,633	$ 139,237
TOTAL SSR State Special Revenue Fund Group			$ 53,953,325	$ 53,329,615

Wildlife Fund Group

015	725-509	Fish/Wildlife Subsidy	$ 154,199	$ 158,517
015	740-321	Division of Wildlife Conservation	$ 40,345,888	$ 41,400,117
81A	725-612	Wildlife Education	$ 1,496,360	$ 1,537,063
815	725-636	Cooperative Management Projects	$ 148,850	$ 153,166
816	725-649	Wetlands Habitat	$ 897,663	$ 922,997
817	725-655	Wildlife Conservation Checkoff Fund	$ 1,301,143	$ 1,327,577
818	725-629	Cooperative Fisheries Research	$ 918,004	$ 943,708
819	725-685	Ohio River Management	$ 119,302	$ 122,748
TOTAL WLF Wildlife Fund Group			$ 45,381,409	$ 46,565,893

Waterways Safety Fund Group

086	725-414	Waterways Improvement	$ 3,091,402	$ 3,091,035
086	725-416	Natural Areas Marine Patrol	$ 25,000	$ 25,000
086	725-417	Parks Marine Patrol	$ 25,000	$ 25,000
086	725-418	Buoy Placement	$ 39,298	$ 40,267
086	725-501	Waterway Safety Grants	$ 128,024	$ 131,609
086	725-506	Watercraft Marine Patrol	$ 359,800	$ 369,875
086	725-513	Watercraft Educational Grants	$ 128,500	$ 132,098
086	739-321	Division of Watercraft	$ 14,865,111	$ 15,142,223
880	725-614	Cooperative Boat Harbor Projects	$ 108,637	$ 111,679
TOTAL WSF Waterways Safety Fund Group			$ 18,770,772	$ 19,068,786
Holding Account Redistribution Fund Group				
R17	725-659	Performance Cash Bond Refunds	$ 265,000	$ 265,500
R29	725-607	Reclamation Fee Refund	$ 350,000	$ 350,000
R30	725-638	Surface Mining Reclamation Fees	$ 12,000	$ 12,000
R43	725-624	Forestry	$ 1,750,000	$ 1,750,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 2,377,000	$ 2,377,500
Accrued Leave Liability Fund Group				
4M8	725-675	FOP Contract	$ 17,551	$ 17,990
TOTAL ALF Accrued Leave Liability Fund Group			$ 17,551	$ 17,990
TOTAL ALL BUDGET FUND GROUPS			$ 271,514,822	$ 271,143,437

SECTION 72.01.

Rental Payments to the Ohio Public Facilities Commission

The foregoing appropriation item 725-413, OPFC Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 1999, to June 30, 2001, by the Department of Natural Resources to the Ohio Public Facilities Commission pursuant to leases and agreements made under section 154.22 of the Revised Code, but limited to the aggregate amount of $28,410,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.22 of the Revised Code.

Fountain Square

The foregoing appropriation item 725-404, Fountain Square Rental Payments - OBA, shall be used by the Department of Natural Resources to meet all payments required to be made to the Ohio Building Authority during the period from July 1, 1999, to June 30, 2001, pursuant to leases and agreements with the Ohio Building Authority under section 152.241 of the Revised Code, but limited to the aggregate amount of $2,180,000.

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for their share of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment from the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited to the Fountain Square Facilities Management Fund (Fund 635).

SECTION 72.02.

Central Support Indirect Chargeback

With the exception of the Division of Wildlife, whose indirect central support charges shall be paid by the General Revenue Fund from the foregoing appropriation item 725-401, Wildlife - GRF Central Support, the Department of Natural Resources, with the approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Central Support Indirect Chargeback Fund (Fund 157). The methodology used shall contain the characteristics of administrative ease and uniform application. Payments to the Central Support Indirect Chargeback Fund shall be made using an intrastate transfer voucher.

Wildlife License Reimbursement

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under

the Revised Code from license, permit, and stamp fees.

Soil and Water Districts

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed $30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit such payments to the special fund established pursuant to section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $150,000 in each fiscal year shall be distributed to the Muskingum Watershed Conservancy District.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $170,000 in fiscal year 2000 shall be distributed to the Indian Lake Watershed.

No funds shall be used to pay for cost sharing under section 1511.02 of the Revised Code if the Chief of Soil and Water Conservation issues an order finding a person has caused agricultural pollution by failure to comply with the standards established under that section.

Soil and Water Districts

Of the foregoing appropriation item 725-502, Soil and Water Districts, up to $8,043,891 in fiscal year 2000 and up to $8,687,402 in fiscal year 2001 shall be distributed to soil and water conservation districts for matching funds pursuant to section 1515.14 of the Revised Code.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $250,000 in each fiscal year shall be distributed to the Resource Conservation and Development Councils.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $63,940 in fiscal year 2000 and fiscal year 2001 shall be used for the Conservation Action Project to improve water quality in Defiance, Fulton, Henry, Lucas, Paulding, Williams, and Wood counties.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $150,000 in each fiscal year shall be used for the Loramie Valley Alliance Flood Program.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $50,000 in each fiscal year shall be distributed to the Ottawa River Coalition.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $100,000 in fiscal year 2000 shall be expended for the Millcreek Valley Mitigation Project.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $1,000,000 in fiscal year 2000 shall be expended for the Defiance-Williams Mitigation Project.

Of the foregoing appropriation item 725-502, Soil and Water Districts, $50,000 in each fiscal year shall be expended for the Livestock Environmental Assurance Program.

Division of Soil and Water

Of the foregoing appropriation item 737-321, Division of Soil and Water, $220,000 in each fiscal year shall be distributed to the Water Quality Laboratory located at Heidelberg College.

Portage Lakes

Of the foregoing appropriation item 730-321, Division of Parks and Recreation, $250,000 in fiscal year 2000 shall be expended for the Knapp-McDowell property for the creation of the Portage Lakes Land Park.

Canal Lands

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

Office of Real Estate and Land Management

Of the foregoing appropriation item 738-321, Office of Real Estate and Land Management, $100,000 in fiscal year 2000 shall be used for dredging the Chagrin River, and $100,000 in fiscal year 2001 shall be used for dredging the Grand River.

Watercraft Marine Patrol

Of the foregoing appropriation item 739-321, Division of Watercraft, $50,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

Water Resources Council

There is hereby created a Water Resources Council, consisting of the

Directors, or the designees of the Directors, of Agriculture, Development, Environmental Protection, Health, Natural Resources, Transportation, the State and Local Government Commission, Public Utilities Commission, Ohio Public Works Commission, and Ohio Water Development Authority. The Director of Natural Resources shall chair the council. The chair of the council shall appoint eleven public members representing local government, industry, and environmental interests. The council shall coordinate water policy development and planning activities of state agencies and consider and make recommendations regarding water policy development, planning coordination, and funding issues.

Operating expenses of the council shall be paid from the Water Resources Council Fund (Fund 4X8), which is hereby created. The council may hire an executive director and staff to support its activities. The council may enter into contracts and agreements with state agencies, political subdivisions, and private interests to assist in meeting its objectives. The Department of Natural Resources shall serve as fiscal agent of the fund. The Departments of Agriculture, Development, Environmental Protection, Health, Natural Resources, and Transportation shall contribute equally, via interstate transfer voucher, to the fund. The State and Local Government Commission, Public Utilities Commission, Ohio Public Works Commission, and Ohio Water Development Authority may also voluntarily pay into the Water Resources Council Fund for the operating expenses of the council. If voluntary payment is made into the fund the portion for the Departments of Agriculture, Development, Environmental Protection, Health, Natural Resources, and Transportation shall be equally reduced.

Cash Transfer

Not later than August 1, 1999, the Director of Budget and Management shall transfer cash in an amount not to exceed $8,266 from the Departmental Projects Fund (Fund 155) to the Oil and Gas Well Fund (Fund 518).

Not later than August 1, 1999, the Director of Budget and Management shall transfer cash in an amount not to exceed $150,000 from the Mining Regulation Fund (Fund 5B3) to the Oil and Gas Well Fund (Fund 518).

Fund Consolidation

On July 15, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Departmental Services - Interstate Fund (Fund 507) as of June 30, 1999, and any amounts that accrue to that fund after that date, to the Departmental Projects Fund (Fund 155). The Director shall cancel any remaining outstanding encumbrances against appropriation item 725-681, Departmental Services - Interstate, and reestablish them against

appropriation item 725-601, Departmental Projects. The amounts of any encumbrances canceled and reestablished are hereby appropriated.

On July 15, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Oil and Gas Well Plugging Fund (Fund 517) as of June 30, 1999, and any amounts that accrue to that fund after that date, to the Oil and Gas Well Fund (Fund 518). The director shall cancel any remaining outstanding encumbrances against appropriation item 725-615, Oil and Gas Well Plugging, and reestablish them against appropriation item 725-677, Oil and Gas Well Plugging. The amounts of any encumbrances canceled and reestablished are hereby appropriated.

Oil and Gas Well Plugging

The foregoing appropriation item 725-677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. Appropriation authority from this line item shall not be transferred to any other fund or line item.

Burr Oak Water Plant Transfer

For the purposes of this section, "Burr Oak water system" includes, but is not limited to, the Burr Oak water treatment plant and its appurtenances.

Upon creation of a regional water district in accordance with Chapter 6119. of the Revised Code, the Department of Natural Resources shall transfer ownership of the Burr Oak water system to the regional water district which shall serve portions of Athens, Morgan, Hocking, and Perry counties, or surrounding areas. The transfer of the Burr Oak water system shall occur upon the execution of a transfer agreement between the Department of Natural Resources and the regional water district setting forth the provisions of the transfer.

Not more than thirty days prior to the execution of the transfer agreement, the Director of Natural Resources shall certify the amount of debt outstanding for the Burr Oak water system and request the release of moneys up to $685,000 from appropriation item 736-321, Division of Chief Engineer, to make payment on the outstanding debt. Not more than fifteen days after the execution of the transfer agreement, all unencumbered moneys in the Burr Oak Water Plant Fund (Fund 519), Burr Oak Water Plant, shall be distributed to the regional water district.

Division of Parks and Recreation

Of the foregoing appropriation item 730-321, Division of Parks and Recreation, $150,000 in fiscal year 2000 shall be expended for the American Disability Act improvements to the Greenbrier Commons Park in Parma Heights.

Noah Dam Project

Of the foregoing appropriation item 738-321, Office of Real Estate and Land Management, $506,105 in fiscal year 2000 shall be distributed to the Akron YMCA Camp Y for the Noah Dam Project.

SECTION 73. NUR STATE BOARD OF NURSING

General Services Fund Group				
4K9 884-609	Operating Expenses	$ 4,080,547	$	4,206,614
TOTAL GSF General Services Fund Group		$ 4,080,547	$	4,206,614
TOTAL ALL BUDGET FUND GROUPS		$ 4,080,547	$	4,206,614

SECTION 74. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

General Services Fund Group				
4K9 890-609	Operating Expenses	$ 794,492	$	732,645
TOTAL GSF General Services Fund Group		$ 794,492	$	732,645
TOTAL ALL BUDGET FUND GROUPS		$ 794,492	$	732,645

Operating Expenses

Of the foregoing appropriation item 890-609, Operating Expenses, $150,000 in fiscal year 2000 shall be used by the physical therapy section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to commission a study to measure clinical outcomes for physical therapy. The physical therapy section for the board shall report the findings of the study to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Governor no later than two years after the effective date of this section.

Of the foregoing appropriation item 890-609, Operating Expenses, $100,000 in fiscal year 2001 shall be used by the occupational therapy section of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board to commission a study to measure clinical outcomes for occupational therapy. The occupational therapy section for the board shall report the findings of the study to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Governor no later than two years after the effective date of this

ction.

Education Conference

The Occupational Therapy, Physical Therapy, and Athletic Trainers Board shall plan a conference to discuss career options for recent college graduates and new licensees. Members of the conference shall be the directors, or their designees, of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Board of Regents, Proprietary Schools and Community Schools or their designees. The conference shall provide recommendations to the Board of Regents.

SECTION 75. OLA OHIOANA LIBRARY ASSOCIATION

General Revenue Fund			
GRF 355-501 Library Subsidy	$ 461,750	$	316,461
TOTAL GRF General Revenue Fund	$ 461,750	$	316,461
TOTAL ALL BUDGET FUND GROUPS	$ 461,750	$	316,461

Library Subsidy

Of the foregoing appropriation item 355-501, Library Subsidy, $180,000 in fiscal year 2000 shall be used to fund the relocation of the Ohioana Library from the State Departments Building.

SECTION 76. ODB OHIO OPTICAL DISPENSERS BOARD

General Services Fund Group			
4K9 894-609 Operating Expenses	$ 262,402	$	260,182
TOTAL GSF General Services Fund Group	$ 262,402	$	260,182
TOTAL ALL BUDGET FUND GROUPS	$ 262,402	$	260,182

SECTION 77. OPT STATE BOARD OF OPTOMETRY

General Services Fund Group			
4K9 885-609 Operating Expenses	$ 267,672	$	266,294
TOTAL GSF General Services Fund Group	$ 267,672	$	266,294
TOTAL ALL BUDGET FUND GROUPS	$ 267,672	$	266,294

SECTION 78. PBR STATE PERSONNEL BOARD OF REVIEW

General Revenue Fund			
GRF 124-321 Operating	$ 1,219,720	$	1,077,232
TOTAL GRF General Revenue Fund	$ 1,219,720	$	1,077,232
General Services Fund Group			
636 124-601 Transcript and Other	$ 37,838	$	38,746
TOTAL GSF General Services Fund Group	$ 37,838	$	38,746

TOTAL ALL BUDGET FUND GROUPS			$ 1,257,558	$ 1,115,978

Transcript and Other

The foregoing appropriation item 124-601, Transcript and Other, may be used to produce and distribute transcripts and other documents. Revenues generated by charges for transcripts and other documents shall be deposited in the Transcripts and Other Fund (Fund 636).

SECTION 79. PRX STATE BOARD OF PHARMACY

General Services Fund Group

4A5	887-605	Drug Law Enforcement	$ 65,000	$ 70,000
4K9	887-609	Operating Expenses	$ 3,841,199	$ 3,829,277
TOTAL GSF General Services Fund Group			$ 3,906,199	$ 3,899,277
TOTAL ALL BUDGET FUND GROUPS			$ 3,906,199	$ 3,899,277

SECTION 80. PSY STATE BOARD OF PSYCHOLOGY

General Services Fund Group

4K9	882-609	Operating Expenses	$ 456,543	$ 443,625
TOTAL GSF General Services Fund Group			$ 456,543	$ 443,625
TOTAL ALL BUDGET FUND GROUPS			$ 456,543	$ 443,625

SECTION 81. PUB OHIO PUBLIC DEFENDER COMMISSION

General Revenue Fund

GRF	019-321	Public Defender Administration	$ 1,773,081	$ 1,808,544
GRF	019-401	State Legal Defense Services	$ 6,810,632	$ 6,993,291
GRF	019-403	Multi-County: State Share	$ 1,108,780	$ 1,280,291
GRF	019-404	Trumbull County-State Share	$ 415,691	$ 429,680
GRF	019-405	Training Account	$ 48,500	$ 48,500
GRF	019-501	County Reimbursement - Non-Capital Cases	$ 31,495,223	$ 34,600,011
GRF	019-503	County Reimbursements - Capital Cases	$ 1,151,476	$ 1,257,059
TOTAL GRF General Revenue Fund			$ 42,803,383	$ 46,417,376

General Services Fund Group

101	019-602	Inmate Legal Assistance	$ 57,983	$ 56,422
101	019-607	Juvenile Legal Assistance	$ 456,055	$ 503,615
406	019-603	Training and Publications	$ 16,000	$ 16,000
407	019-604	County Representation	$ 466,799	$ 456,959
408	019-605	Client Payments	$ 127,985	$ 131,453
TOTAL GSF General Services Fund Group			$ 1,124,822	$ 1,164,449

Federal Special Revenue Fund Group

3S8	019-608	Federal Representation	$ 190,000	$ 190,000
TOTAL FED Federal Special Revenue				

Fund Group			$ 190,000	$ 190,000
State Special Revenue Fund Group				
4C7	019-601	Multi-County: County Share	$ 1,556,829	$ 1,614,051
4X7	019-610	Trumbull County-County Share	$ 552,627	$ 579,645
574	019-606	Legal Services Corporation	$ 16,350,000	$ 16,850,000
TOTAL SSR State Special Revenue Fund Group			$ 18,459,456	$ 19,043,696
TOTAL ALL BUDGET FUND GROUPS			$ 62,577,661	$ 66,815,521

Indigent Defense Office

The foregoing appropriation items 019-404, Trumbull County - State Share, and 019-610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.

Training Account

The foregoing appropriation item 019-405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

Federal Representation

The foregoing appropriation item 019-608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation on federal court cases.

SECTION 82. DHS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund				
GRF	763-403	Operating Expenses - EMA	$ 4,090,853	$ 3,574,514
GRF	763-409	MARCS Operations and Maintenance	$ 740,284	$ 735,997
GRF	763-507	Individual and Family Grants	$ 100,000	$ 105,000
GRF	764-404	Transportation Enforcement Operations	$ 2,156,879	$ 2,157,207
GRF	769-321	Food Stamp Trafficking Enforcement Operations	$ 716,936	$ 897,720
TOTAL GRF General Revenue Fund			$ 7,804,952	$ 7,470,438
TOTAL ALL BUDGET FUND GROUPS			$ 7,804,952	$ 7,470,438

American Red Cross Disaster Preparedness and Training

Of the foregoing appropriation item 763-403, Operating Expenses - EMA, up to $500,000 in fiscal year 2000 shall be distributed to the American Red Cross in Ohio for disaster preparedness and emergency training.

The Ohio Emergency Management Agency shall develop an agreement between the State of Ohio Chapters of the American Red Cross to specify

the terms by which these funds shall be requested, distributed, and accounted for to enhance the disaster response capability of the American Red Cross in Ohio. Funds shall not be used for administrative costs. The Ohio Emergency Management Agency shall require of the American Red Cross a plan that facilitates implementation of the current Statement of Understanding between the State of Ohio and the American Red Cross. The release of funds shall be contingent upon a plan that is satisfactory to both parties.

Ohio Task Force One - Urban Search and Rescue Unit

Of the foregoing appropriation item 763-403, Operating Expenses - EMA, $200,000 in each fiscal year shall be used to fund the Ohio Task Force One - Urban Search and Rescue Unit.

MARCS Operations and Maintenance Transfers

Upon the request of the Director of Public Safety, the Director of Budget and Management shall transfer up to $304,284 in cash in fiscal year 2000 and $303,550 in cash in fiscal year 2001 by intrastate transfer voucher from appropriation item 763-409, MARCS Operations and Maintenance, to Fund 4S2, MARCS Maintenance Fund.

Upon the request of the Director of Public Safety, the Director of Budget and Management shall transfer up to $436,000 in cash in fiscal year 2000 and $432,447 in cash in fiscal year 2001 by intrastate transfer voucher from appropriation item 763-409, MARCS Operations and Maintenance, to Fund 4W6, MARCS Operations Fund.

IFG State Match

The foregoing appropriation item 763-507, Individual and Family Grants, shall be used to fund the state share of costs to provide grants to individuals and families in cases of disaster.

SECTION 83. PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group				
5F6	870-622	Utility and Railroad Regulation	$ 25,999,778	$ 25,869,295
5F6	870-624	NARUC/NRRI Subsidy	$ 167,233	$ 167,233
5F6	870-625	Motor Transportation Regulation	$ 4,239,287	$ 4,237,947
558	870-602	Salvage and Exchange	$ 31,031	$ 31,775
TOTAL GSF General Services Fund Group			$ 30,437,329	$ 30,306,250
Federal Special Revenue Fund Group				
333	870-601	Gas Pipeline Safety	$ 441,208	$ 454,898
350	870-608	Motor Carrier Safety	$ 4,028,483	$ 4,089,335
TOTAL FED Federal Special Revenue Fund Group			$ 4,469,691	$ 4,544,233

State Special Revenue Fund Group

4A3	870-614	Grade Crossing Protection Devices-State	$ 1,242,480	$ 1,275,759
4L8	870-617	Pipeline Safety-State	$ 164,789	$ 164,085
4S6	870-618	Hazardous Material Registration	$ 621,388	$ 626,809
4S6	870-621	Hazardous Materials Base State Registration	$ 348,046	$ 356,399
4U8	870-620	Civil Forfeitures	$ 250,009	$ 249,451
559	870-605	Public Utilities Territorial Administration	$ 4,688	$ 4,801
560	870-607	Special Assessment	$ 100,000	$ 100,000
561	870-606	Power Siting Board	$ 300,000	$ 297,893
638	870-611	Biofuels/Municipal Waste Technology	$ 69,196	$ 69,908
661	870-612	Hazardous Materials Transportation	$ 800,000	$ 800,000
TOTAL SSR State Special Revenue Fund Group			$ 3,900,596	$ 3,945,105

Agency Fund Group

4G4	870-616	Base State Registration Program	$ 7,000,000	$ 7,000,000
TOTAL AGY Agency Fund Group			$ 7,000,000	$ 7,000,000
TOTAL ALL BUDGET FUND GROUPS			$ 45,807,616	$ 45,795,588

Elimination of Utility Forecasting Fund

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Utility Forecasting Fund (Fund 587) to the Public Utilities Fund (Fund 5F6). The director shall cancel any existing encumbrances against appropriation item 870-609, Utility Forecasting (Fund 587), and reestablish them against appropriation item 870-622, Utility and Railroad Regulation (Fund 5F6).

Grade Crossing Protection Program

In appropriation item 870-614, Grade Crossing Protection Devices - State, as determined by the Director of Budget and Management, the amounts necessary to reestablish prior-year encumbrances are hereby appropriated.

SECTION 84. RAC STATE RACING COMMISSION

State Special Revenue Fund Group

5C4	875-607	Simulcast Horse Racing Purse	$ 13,664,161	$ 13,989,559
562	875-601	Thoroughbred Race Fund	$ 4,327,786	$ 4,431,653
563	875-602	Standardbred Development Fund	$ 1,816,934	$ 1,858,533
564	875-603	Quarterhorse Development Fund	$ 8,000	$ 8,000
565	875-604	Racing Commission Operating	$ 3,975,039	$ 4,012,502

TOTAL SSR State Special Revenue Fund Group			$ 23,791,920	$ 24,300,247
Holding Account Redistribution Fund Group				
R21	875-605	Bond Reimbursements	$ 212,900	$ 212,900
TOTAL 090 Holding Account Redistribution Fund Group			$ 212,900	$ 212,900
TOTAL ALL BUDGET FUND GROUPS			$ 24,004,820	$ 24,513,147

SECTION 85. DRC DEPARTMENT OF REHABILITATION AND CORRECTION

General Revenue Fund				
GRF	501-321	Institutional Operations	$ 751,512,763	$ 790,304,677
GRF	501-403	Prisoner Compensation	$ 9,257,805	$ 9,654,376
GRF	501-405	Halfway House	$ 31,948,765	$ 34,277,931
GRF	501-406	Lease Rental Payments	$ 120,900,000	$ 129,500,000
GRF	501-407	Community Nonresidential Programs	$ 15,986,812	$ 16,466,767
GRF	501-408	Community Misdemeanor Programs	$ 8,431,580	$ 8,676,220
GRF	501-501	Community Residential Programs-CBCF	$ 47,821,732	$ 52,895,295
GRF	502-321	Mental Health Services	$ 73,829,408	$ 75,809,266
GRF	503-321	Parole and Community Operations	$ 73,414,938	$ 73,040,275
GRF	504-321	Administrative Operations	$ 27,787,499	$ 28,016,367
GRF	505-321	Institution Medical Services	$ 122,383,126	$ 125,783,661
GRF	506-321	Institution Education Services	$ 22,753,530	$ 23,455,913
GRF	507-321	Institution Recovery Services	$ 6,837,366	$ 6,893,616
TOTAL GRF General Revenue Fund			$ 1,312,865,324	$ 1,374,774,364
General Services Fund Group				
4B0	501-601	Penitentiary Sewer Treatment Facility Services	$ 1,414,841	$ 1,438,983
4D4	501-603	Prisoner Programs	$ 19,401,160	$ 19,726,098
4L4	501-604	Transitional Control	$ 374,648	$ 384,745
4S5	501-608	Education Services	$ 3,957,494	$ 4,023,449
483	501-605	Property Receipts	$ 346,822	$ 346,821
5H8	501-617	Offender Financial Responsibility	$ 406,627	$ 426,959
571	501-606	Training Academy Receipts	$ 69,903	$ 71,567
593	501-618	Laboratory Services	$ 4,450,486	$ 4,673,010
TOTAL GSF General Services Fund Group			$ 30,421,981	$ 31,091,632
Federal Special Revenue Fund Group				
3S1	501-615	Truth-In-Sentencing Grants	$ 15,000,000	$ 15,000,000
323	501-619	Federal Grants	$ 11,190,999	$ 9,548,001
TOTAL FED Federal Special Revenue Fund Group			$ 26,190,999	$ 24,548,001
Intragovernmental Service Fund Group				
148	501-602	Services and Agricultural	$ 95,133,830	$ 100,126,370
200	501-607	Ohio Penal Industries	$ 46,292,000	$ 47,679,999
TOTAL ISF Intragovernmental				

Service Fund Group	$ 141,425,830	$ 147,806,369
TOTAL ALL BUDGET FUND GROUPS	$ 1,510,904,134	$ 1,578,220,366

Halfway House

Of the foregoing appropriation item 501-405, Halfway House, $100,000 in fiscal year 2000 shall be distributed directly to the Oriana House.

Ohio Building Authority Lease Payments

The foregoing appropriation item 501-406, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 1999, to June 30, 2001, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code in the amount of $250,400,000 which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

Prisoner Compensation

Money from the foregoing appropriation item 501-403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to Fund 148 for the purposes of paying prisoner compensation.

Inmate Development Program

Of the foregoing appropriation item 503-321, Parole and Community Operations, at least $30,000 in each fiscal year shall be used for an inmate development program.

Institution Recovery Services

Of the foregoing appropriation item 507-321, Institution Recovery Services, $50,000 in each fiscal year shall be used to fund a demonstration project using innovative alcohol and substance abuse treatment methods.

SECTION 86. RSC REHABILITATION SERVICES COMMISSION

General Revenue Fund

GRF 415-100	Personal Services	$ 7,981,041	$ 7,865,107
GRF 415-401	Personal Care Assistance	$ 953,624	$ 972,551
GRF 415-402	Independent Living Council	$ 401,278	$ 410,909
GRF 415-403	Mental Health Services	$ 759,578	$ 777,807
GRF 415-404	MR/DD Services	$ 1,335,275	$ 1,367,321
GRF 415-405	Vocational Rehabilitation/Human Services	$ 568,620	$ 582,267
GRF 415-431	Office for People with Brain Injury	$ 197,921	$ 202,697
GRF 415-506	Services for People with Disabilities	$ 11,235,077	$ 11,531,180
GRF 415-508	Services for the Deaf	$ 148,365	$ 149,526
GRF 415-509	Services for the Elderly	$ 380,602	$ 389,736
GRF 415-520	Independent Living Services	$ 61,492	$ 62,967
TOTAL GRF General Revenue Fund		$ 24,022,873	$ 24,312,068

General Services Fund Group				
4W5	415-606	Administrative Expenses	$ 17,263,146	$ 17,721,525
467	415-609	Business Enterprise Operating Expenses	$ 1,676,209	$ 1,723,110
TOTAL GSF General Services Fund Group			$ 18,939,355	$ 19,444,635
Federal Special Revenue Fund Group				
3L1	415-601	Social Security Personal Care Assistance	$ 3,453,086	$ 3,701,386
3L1	415-605	Social Security Community Centers for the Deaf	$ 1,100,488	$ 1,100,488
3L1	415-607	Social Security Administration Cost	$ 143,887	$ 139,760
3L1	415-608	Social Security Special Programs/Assistance	$ 2,513,818	$ 2,513,818
3L1	415-610	Social Security Vocational Rehabilitation	$ 1,452,000	$ 1,452,000
3L1	415-614	Social Security Independent Living	$ 294,454	$ 294,454
3L4	415-611	Federal-Independent Living Council	$ 192,645	$ 198,039
3L4	415-612	Federal-Independent Living Centers or Services	$ 551,791	$ 567,241
3L4	415-615	Federal - Supported Employment	$ 1,441,674	$ 1,441,674
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	$ 450,000	$ 450,000
317	415-620	Disability Determination	$ 63,511,419	$ 64,008,286
379	415-616	Federal-Vocational Rehabilitation	$ 114,858,693	$ 115,069,636
TOTAL FED Federal Special Revenue Fund Group			$ 189,963,955	$ 190,936,782
State Special Revenue Fund Group				
4L1	415-619	Services for Rehabilitation	$ 3,474,278	$ 3,450,658
468	415-618	Third Party Funding	$ 5,125,634	$ 4,934,666
TOTAL SSR State Special Revenue Fund Group			$ 8,599,912	$ 8,385,324
TOTAL ALL BUDGET FUND GROUPS			$ 241,526,095	$ 243,078,809

Stand Concessions Fund--Crediting of Income

In crediting interest and other income earned on moneys deposited in the Stand Concessions Fund (Fund 467), the Treasurer of State and Director of Budget and Management shall ensure that the requirements of section 3304.35 of the Revised Code are met.

Personal Care Assistance

The foregoing appropriation item 415-401, Personal Care Assistance, shall be used in addition to the federal Social Security reimbursement funds to provide personal care assistance services. These funds shall not be used in lieu of the Social Security reimbursement funds.

MR/DD Services

The foregoing appropriation item 415-404, MR/DD Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the Rehabilitation Services Commission and the Department of Mental Retardation and Developmental Disabilities. The Rehabilitation Services Commission shall report to the Department of Mental Retardation and Developmental Disabilities, as outlined in an interagency agreement, on the number and status of mutually eligible clients and the status of the funds and expenditures for these clients.

Vocational Rehabilitation/Human Services

The foregoing appropriation item 415-405, Vocational Rehabilitation/Human Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the Rehabilitation Services Commission and the Department of Human Services. The Rehabilitation Services Commission shall report to the Department of Human Services, as outlined in an interagency agreement, on the number and status of mutually eligible clients and the status of the funds and expenditures for these clients.

Office for People with Brain Injury

Of the foregoing appropriation item 415-431, Office for People with Brain Injury, $100,000 in each fiscal year shall be used for the state match for a federal grant awarded through the "Traumatic Brain Injury Act," Pub. L. No. 104-166. The remaining appropriation in this item shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

Services for the Deaf

The foregoing appropriation item 415-508, Services for the Deaf, shall be used to supplement the federal Social Security reimbursement funds used to provide grants to community centers for the deaf. These funds shall not be used in lieu of Social Security reimbursement funds.

Services for the Elderly

The foregoing appropriation item 415-509, Services for the Elderly, shall be used as matching funds for vocational rehabilitation services for eligible elderly citizens with a disability.

Social Security Reimbursement Funds

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment, shall be used in the Social Security Reimbursement Fund

nd 3L1), as follows:

(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;

(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;

(D) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities to achieve a noncompetitive employment goal such as homemaker;

(E) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities, who are Social Security beneficiaries, to achieve competitive employment. This item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.

Administrative Expenses

The foregoing appropriation item 415-606, Administrative Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.

Independent Living Council

The foregoing appropriation items 415-402, Independent Living Council, and 415-611, Federal-Independent Living Council, shall be used to fund the operations of the State Independent Living Council.

Mental Health Services

The foregoing appropriation item 415-403, Mental Health Services, shall be used for the provision of vocational rehabilitation services to mutually eligible consumers of the Rehabilitation Services Commission and the Department of Mental Health.

The Department of Mental Health shall receive a quarterly report from the Rehabilitation Services Commission stating the numbers served, numbers placed in employment, average hourly wage, and average hours worked.

Independent Living Services

The foregoing appropriation items 415-520, Independent Living Services, and 415-612, Federal-Independent Living Centers or Services, shall be used to support state independent living centers or independent living services pursuant to Title VII of the "Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d.

Independent Living/Vocational Rehabilitation Programs

The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs, including, but not limited to, Projects with Industry and Training Grants.

SECTION 87. RCB RESPIRATORY CARE BOARD

General Services Fund Group					
4K9	872-609	Operating Expenses	$ 266,576	$	271,144
TOTAL GSF General Services Fund Group			$ 266,576	$	271,144
TOTAL ALL BUDGET FUND GROUPS			$ 266,576	$	271,144

SECTION 88. REVENUE DISTRIBUTION FUNDS

Volunteer Firemen's Dependents Fund					
085	800-900	Volunteer Firemen's Dependents Fund	$ 200,000	$	200,000
TOTAL 085 Volunteer Firemen's Dependents Fund			$ 200,000	$	200,000
Agency Fund Group					
062	110-900	Resort Area Excise Tax	$ 250,000	$	250,000
063	110-900	Permissive Tax Distribution	$ 1,291,217,300	$	1,342,814,000
067	110-900	School District Income Tax Fund	$ 145,000,000	$	155,000,000
4P8	001-698	Cash Management Improvement Fund	$ 2,000,000	$	2,000,000
608	001-699	Investment Earnings	$ 345,000,000	$	345,000,000
TOTAL AGY Agency Fund Group			$ 1,783,467,300	$	1,845,064,000
International Fuel Tax Distribution Fund					
R45	110-617	International Fuel Tax Distribution	$ 44,100,000	$	44,100,000
TOTAL R45 International Fuel Tax Distribution Fund			$ 44,100,000	$	44,100,000
Revenue Distribution Fund Group					
049	038-900	Indigent Drivers Alcohol Treatment	$ 1,900,000	$	1,900,000
050	762-900	International Registration Plan Distribution	$ 45,000,000	$	47,250,000
051	762-901	Auto Registration Distribution Fund	$ 448,300,000	$	448,300,000

060	110-900	Gasoline Excise Tax Fund	$ 110,977,700	$ 113,752,100
064	110-900	Local Government Revenue Assistance	$ 93,211,200	$ 97,797,000
065	110-900	Library/Local Government Support Fund	$ 443,933,100	$ 472,336,200
066	800-900	Undivided Liquor Permit Fund	$ 13,300,000	$ 13,300,000
068	110-900	State/Local Government Highway Distribution Fund	$ 222,487,300	$ 228,049,500
069	110-900	Local Government Fund	$ 663,478,400	$ 695,579,000
082	110-900	Horse Racing Tax Fund	$ 250,000	$ 250,000
083	700-900	Ohio Fairs Fund	$ 3,000,000	$ 3,000,000
TOTAL RDF Revenue Distribution Fund Group			$ 2,045,837,700	$ 2,121,513,800
TOTAL ALL BUDGET FUND GROUPS			$ 3,873,605,000	$ 4,010,877,800

Distribution of Horse Racing Tax Fund

Notwithstanding division (K) of section 3769.08 of the Revised Code, for fiscal years 2000 and 2001, the Tax Commissioner shall provide for payment to the treasurer of each agricultural society the amount of taxes collected under this section upon racing conducted at and during the course of any exposition or fair conducted by such society.

Additional Appropriations

Appropriation line items in this section are to be used for the purpose of administering and distributing the designated revenue distributions fund according to the Revised Code. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

SECTION 89. SAN BOARD OF SANITARIAN REGISTRATION

General Services Fund Group

4K9	893-609	Operating Expenses	$ 102,534	$ 102,252
TOTAL GSF General Services Fund Group			$ 102,534	$ 102,252
TOTAL ALL BUDGET FUND GROUPS			$ 102,534	$ 102,252

SECTION 90. SOS SECRETARY OF STATE

General Revenue Fund

GRF	050-321	Operating Expenses	$ 7,594,550	$ 7,724,452
GRF	050-403	Election Statistics	$ 133,000	$ 150,000
GRF	050-407	Pollworkers Training	$ 175,000	$ 290,000
GRF	050-409	Litigation Expenditures	$ 26,750	$ 26,750
TOTAL GRF General Revenue Fund			$ 7,929,300	$ 8,191,202

General Services Fund Group

4B9	050-608	Campaign Finance Disk Sales	$ 1,000	$ 1,000
4S8	050-610	Board of Voting Machine Examiners	$ 7,200	$ 7,200
413	050-601	Information Systems	$ 181,900	$ 150,000

414	050-602	Citizen Education Fund	$ 30,000	$ 30,000
TOTAL General Services Fund Group			$ 220,100	$ 188,200
State Special Revenue Fund Group				
599	050-603	Business Services Operating Expenses	$ 5,200,000	$ 5,200,000
TOTAL SSR State Special Revenue Fund Group			$ 5,200,000	$ 5,200,000
Holding Account Redistribution Fund Group				
R01	050-605	Uniform Commercial Code Refunds	$ 65,000	$ 65,000
R02	050-606	Corporate/Business Filing Refunds	$ 185,000	$ 185,000
TOTAL 090 Holding Account Redistribution Fund Group			$ 250,000	$ 250,000
TOTAL ALL BUDGET FUND GROUPS			$ 13,599,400	$ 13,829,402

Board of Voting Machine Examiners

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses which are authorized to be paid from the Board of Voting Machine Examiners Fund which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Holding Account Redistribution Group

The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Filing Fees Study

The Secretary of State shall conduct a study of fees charged under section 111.16 of the Revised Code to compare the fee amounts with the actual cost of providing the services for which the fees are charged. The purpose of the study is to determine whether the amounts of the fees being charged are valid and appropriate with respect to the services being provided. The Secretary of State shall complete a report summarizing the results of the study and, not later than December 31, 2000, shall submit the report to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

SECTION 91. SEN THE OHIO SENATE

General Revenue Fund				
GRF	020-321	Operating Expenses	$ 11,289,045	$ 11,289,045
TOTAL GRF General Revenue Fund			$ 11,289,045	$ 11,289,045
General Services Fund Group				
102	020-602	Senate Reimbursement	$ 402,744	$ 402,744
409	020-601	Miscellaneous Sales	$ 30,980	$ 30,980
TOTAL GSF General Services Fund Group			$ 433,724	$ 433,724
TOTAL ALL BUDGET FUND GROUPS			$ 11,722,769	$ 11,722,769

SECTION 92. CSF COMMISSIONERS OF THE SINKING FUND

General Revenue Fund				
GRF	155-900	Debt Service	$ 18,555,000	$ 23,460,000
TOTAL GRF General Revenue Fund			$ 18,555,000	$ 23,460,000
Debt Service Fund Group				
071	155-900	Highway Obligations Bond Retirement Fund	$ 53,642,000	$ 51,636,000
072	155-900	Highway Capital Improvements Bond Retirement Fund	$ 84,640,000	$ 103,200,000
073	155-900	Natural Resources Bond Retirement	$ 12,865,000	$ 15,700,000
076	155-900	Coal Research and Development Bond Retirement Fund	$ 5,690,000	$ 7,760,000
TOTAL DSF Debt Service Fund Group			$ 156,837,000	$ 178,296,000
TOTAL ALL BUDGET FUND GROUPS			$ 175,392,000	$ 201,756,000

Additional Appropriations

Appropriation items in this section are for the purpose of paying the principal and interest on bonds or other instruments of indebtedness of this state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

SECTION 93. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY

General Services Fund Group				
4K9	886-609	Operating Expenses	$ 328,710	$ 325,685
TOTAL GSF General Services Fund Group			$ 328,710	$ 325,685
TOTAL ALL BUDGET FUND GROUPS			$ 328,710	$ 325,685

SECTION 94. SLG STATE AND LOCAL GOVERNMENT COMMISSION OF OHIO

General Revenue Fund

GRF 046-321	Operating Expenses	$	258,143	$	264,713
TOTAL GRF General Revenue Fund		$	258,143	$	264,713
TOTAL ALL BUDGET FUND GROUPS		$	258,143	$	264,713

SECTION 94.01.

Local Government Y2K Loan Program

In addition to the duties in section 105.46 of the Revised Code, the State and Local Government Commission shall assist the Department of Development with the implementation Section 37.17 of this act, including but not limited to, the following activities:

(A) Within fifteen days after the effective date of this section, the commission shall send an official notification of the program's availability to eligible counties, municipal corporations, and townships. At a minimum, the notice shall clearly identify the following information for the County Y2K Loan Program and for the Municipal and Township Y2K Loan Program:

(1) General eligibility criteria;

(2) General application criteria;

(3) A Local Government Y2K Loan application form;

(4) The amount of moneys available through a county for both the County Y2K Loan Program and the Municipal and Township Y2K Loan Program and the moneys available to each county for administering the programs.

The notice shall state that counties interested in facilitating Y2K loan moneys for local governments in their jurisdictions must respond within fifteen business days after receipt of the notice from the commission.

(B) As soon as practicable, the commission shall provide an awareness campaign to facilitate the application process to eligible applicants. The commission shall be the liaison for the receipt of applications for both the County Y2K Loan Program and for the Municipal and Township Y2K Loan Program, making sure that each application is complete. For applications seeking funding from the Municipal and Township Y2K Loan Program, a list of local governments for which project moneys are sought and a list of local governments for which project moneys were not recommended shall be included. A county shall submit applications for the Municipal and Township Y2K Loan Program at the same time it submits applications for the County Y2K Loan Program. The commission shall forward all applications to the Department of Administrative Services Y2K Competency Center.

(C) The commission, in conjunction with the Department of

Development, shall provide funding award and funding denial notices. If an application is approved, the Department of Development and the commission shall send a letter of commitment to the applicant and, if appropriate, to the applicable county, to begin the funding process. If an application is disapproved, the Y2K Competency Center shall notify the commission of the reasons for disapproval, and the commission shall cite these reasons for disapproval in a letter sent to the applicant.

(D) If the need for Y2K financial assistance in a county or in municipal corporations and townships in the county is not sufficient to use the moneys allotted to the county under the County Y2K Loan Program or the Municipal and Township Y2K Loan Program, the respective county or municipal corporations and townships in that county may request that the State and Local Government Commission grant a waiver to allow the county or municipal corporations and townships in that county to access any moneys available to the county under the Local Y2K Loan Program.

This section expires on January 1, 2001.

SECTION 95. BTA BOARD OF TAX APPEALS

General Revenue Fund

GRF 116-100	Personal Services	$ 2,345,663	$	2,259,296
GRF 116-200	Maintenance	$ 130,350	$	137,084
GRF 116-300	Equipment	$ 6,965	$	35,275
TOTAL GRF General Revenue Fund		$ 2,482,978	$	2,431,655

General Services Fund Group

439 116-602	Reproduction of Decisions	$ 10,000	$	10,300
TOTAL GSF General Services Fund Group		$ 10,000	$	10,300
TOTAL ALL BUDGET FUND GROUPS		$ 2,492,978	$	2,441,955

SECTION 96. TAX DEPARTMENT OF TAXATION

General Revenue Fund

GRF 110-321	Operating Expenses	$ 90,709,806	$	89,657,969
GRF 110-410	Energy Credit Administration	$ 697,653	$	694,814
GRF 110-412	Child Support Administration	$ 58,872	$	60,285
GRF 110-506	Utility Bill Credits	$ 7,500,000	$	7,500,000
GRF 110-901	Property Tax Allocation-Taxation	$ 342,000,000	$	362,140,000
GRF 110-906	Tangible Tax Exemption - Taxation	$ 28,000,000	$	29,000,000
TOTAL GRF General Revenue Fund		$ 468,966,331	$	489,053,068

Agency Fund Group

425 110-635	Tax Refunds	$ 1,041,325,000	$	1,024,575,000
TOTAL AGY Agency Fund Group		$ 1,041,325,000	$	1,024,575,000

General Services Fund Group

433	110-602	Tape File Account	$	85,172	$	87,557
TOTAL GSF General Services Fund Group			$	85,172	$	87,557
State Special Revenue Fund Group						
4C6	110-616	International Registration Plan	$	588,652	$	622,127
4R6	110-610	Tire Tax Administration	$	146,661	$	150,768
435	110-607	Local Tax Administration	$	10,846,962	$	11,108,705
436	110-608	Motor Vehicle Audit	$	1,525,384	$	1,569,645
437	110-606	Litter Tax and Natural Resource Tax Administration	$	1,340,059	$	1,374,701
438	110-609	School District Income Tax	$	2,657,080	$	2,711,122
639	110-614	Cigarette Tax Enforcement	$	147,891	$	151,711
642	110-613	Ohio Political Party Distributions	$	800,000	$	800,000
688	110-615	Local Excise Tax Administration	$	335,218	$	343,721
TOTAL SSR State Special Revenue Fund Group			$	18,387,907	$	18,832,500
Federal Special Revenue Fund Group						
3J6	110-601	Motor Fuel Compliance	$	78,817	$	50,000
3J7	110-603	International Fuel Tax Agreement	$	92,471	$	80,000
TOTAL FED Federal Special Revenue Fund Group			$	171,288	$	130,000
Holding Account Redistribution Fund Group						
R10	110-611	Tax Distributions	$	200,000	$	200,000
R11	110-612	Miscellaneous Income Tax Receipts	$	500,000	$	500,000
TOTAL 090 Holding Account Redistribution Fund Group			$	700,000	$	700,000
TOTAL ALL BUDGET FUND GROUPS			$	1,529,635,698	$	1,533,378,125

SECTION 96.01.

Litter Control Tax Administration Fund

Notwithstanding section 5733.12 of the Revised Code, during the period from July 1, 1999, to June 30, 2000, the amount of $1,340,059, and during the period from July 1, 2000, to June 30, 2001, the amount of $1,374,701, received by the Treasurer of State under Chapter 5733. of the Revised Code, shall be credited to the Litter Control Tax Administration Fund (Fund 437). The Director of Budget and Management shall provide the Treasurer of State with a monthly schedule in accordance with which the amounts shall be credited.

International Registration Plan Audit

The foregoing appropriation item 110-616, International Registration Plan, shall be used pursuant to section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

SECTION 96.02.

Local Government Y2K Loan Program

In addition to the duties found in Chapter 1333. of the Revised Code, the Tax Commissioner shall assist the Department of Development with loan repayment activities of the Local Government Y2K Loan Program, as prescribed in Section 37.17 of this act, when needed.

This section expires on July 1, 2002.

SECTION 96.03.

Homestead Exemption, Property Tax Rollback, and Tangible Tax Exemption

The appropriation item 110-901, Property Tax Allocation - Taxation, made to the Department of Taxation, is appropriated to pay for the state's costs incurred due to the Homestead Exemption and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts of the state, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

The appropriation item 110-906, Tangible Tax Exemption - Taxation, made to the Department of Taxation, is appropriated to pay for the state's costs incurred due to the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. The Tax Commissioner shall distribute to each county treasurer the total amount certified by the county treasurer pursuant to section 319.311 of the Revised Code for all local taxing districts located in the county except for school districts, notwithstanding the provision in section 319.311 of the Revised Code which provides for payment of the $10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county including school districts. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Tax Commissioner among the appropriate local taxing districts except for school districts.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall

ntinue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption, for the $10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated.

SECTION 97. DOT DEPARTMENT OF TRANSPORTATION

Transportation Modes

General Revenue Fund						
GRF	775-451	Public Transportation - State	$	27,970,941	$	28,589,210
GRF	775-453	Waterfront Line Lease Payments - State	$	1,781,000	$	1,786,000
GRF	775-456	Public Transportation/ Discretionary Capital	$	3,375,900	$	3,456,922
GRF	775-458	Elderly and Disabled Fare Assistance	$	3,285,159	$	3,364,000
GRF	776-465	Ohio Rail Development Commission	$	5,805,000	$	5,780,800
GRF	777-471	Airport Improvements - State	$	4,605,000	$	2,679,525
GRF	777-473	Rickenbacker Lease Payments - State	$	995,000	$	997,000
TOTAL GRF General Revenue Fund			$	47,818,000	$	46,653,457
Federal Special Revenue Fund Group						
3B9	776-662	Rail Transportation - Federal	$	1,000,000	$	1,000,000
TOTAL FSR Federal Special Revenue Fund Group			$	1,000,000	$	1,000,000
State Special Revenue Fund Group						
5E7	775-657	Transit Capital Funds	$	9,000,000	$	9,000,000
4N4	776-663	Panhandle Lease Payments	$	769,000	$	770,000
4N4	776-664	Rail Transportation - Other	$	500,000	$	500,000
TOTAL SSR State Special Revenue Fund Group			$	10,269,000	$	10,270,000
TOTAL ALL BUDGET FUND GROUPS			$	59,087,000	$	57,923,457

Aviation Lease Payments

The foregoing appropriation item 777-473, Rickenbacker Lease Payments - State, shall be used to meet scheduled payments for the Rickenbacker Port Authority. The Director of Transportation shall certify to the Director of Budget and Management any appropriations in appropriation item 777-473, Rickenbacker Lease Payments - State, that are not needed to make lease payments for the Rickenbacker Port Authority. Notwithstanding section 127.14 of the Revised Code, the amount certified may be transferred by the Director of Budget and Management to appropriation item 777-471,

Airport Improvements - State.

Transfer of Appropriations - Public Transportation

The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations among appropriation item 775-451, Public Transportation - State, appropriation item 775-456, Public Transportation/Discretionary Capital, and appropriation item 775-458, Elderly and Disabled Fare Assistance. Transfers among appropriation items shall be made upon the written request of the Director of Transportation with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

Indigent Highway Victims Program Payment

The Department of Transportation is authorized to use appropriation item 779-491, State Administration, from the Highway Operating Fund to make a payment of $5,772 to Lakewood Hospital in Cuyahoga County for services provided by the hospital in Fiscal Year 1997 under the former Indigent Persons Care Program which was administered by the Department of Health. Payment of $5,772 to Lakewood Hospital shall be funded with $5,772, which the Department of Health deposited into Fund 002 after collecting moneys that were mistakenly paid to another hospital.

SECTION 98. TOS TREASURER OF STATE

General Revenue Fund

GRF 090-321	Operating Expenses	$ 7,776,686	$ 7,307,833
GRF 090-401	Commissioners of the Sinking Fund	$ 370,530	$ 381,400
GRF 090-402	Continuing Education	$ 413,278	$ 442,207
GRF 090-510	PERS Cost of Living	$ 136	$ 100
GRF 090-511	STRS Cost of Living	$ 1,400	$ 1,200
GRF 090-512	SERS Cost of Living	$ 600	$ 600
GRF 090-520	PERS Pension Benefits	$ 77,470	$ 25,850
GRF 090-521	STRS Pension Benefits	$ 320,000	$ 300,000
GRF 090-522	SERS Pension Benefits	$ 80,000	$ 67,000
GRF 090-523	Highway Patrol Retirement System	$ 4,156	$ 4,050
GRF 090-524	Police and Fire Disability Pension	$ 50,000	$ 45,000
GRF 090-530	PERS Ad Hoc Cost of Living	$ 616,410	$ 472,897
GRF 090-531	STRS Ad Hoc Cost of Living	$ 1,600,000	$ 1,500,000
GRF 090-532	SERS Ad Hoc Cost of Living	$ 236,000	$ 213,000
GRF 090-533	Hwy Patrol Ad Hoc Cost of Living	$ 24,990	$ 24,800
GRF 090-534	Police & Fire Ad Hoc Cost of Living	$ 325,000	$ 300,000
GRF 090-544	Police and Fire State	$ 1,200,000	$ 1,200,000

		Contribution		
GRF	090-554	Police and Fire Survivor Benefits	$ 1,740,000	$ 1,670,000
GRF	090-575	Police and Fire Death Benefits	$ 19,980,000	$ 21,280,000
GRF	090-900	Debt Service	$ 122,500,000	$ 132,365,000
TOTAL GRF General Revenue Fund			$ 157,316,656	$ 167,600,937
General Services Fund Group				
182	090-608	Financial Planning Commissions	$ 12,000	$ 12,000
4E9	090-603	Securities Lending Income Fund	$ 5,185,804	$ 6,169,140
4NO	090-611	Treasury Education Fund	$ 27,500	$ 27,500
577	090-605	Investment Pool Reimbursement	$ 1,000,000	$ 750,000
605	090-609	Treasurer of State Administrative Fund	$ 850,000	$ 600,000
TOTAL GSF General Services Fund Group			$ 7,075,304	$ 7,558,640
Debt Service Fund Group				
077	090-900	Capital Improvements Bond Service	$ 122,500,000	$ 132,365,000
TOTAL DSF Debt Service Fund Group			$ 122,500,000	$ 132,365,000
State Special Revenue Fund Group				
5C5	090-602	County Treasurer Education	$ 110,000	$ 110,000
TOTAL SSR State Special Revenue Fund Group			$ 110,000	$ 110,000
TOTAL ALL BUDGET FUND GROUPS			$ 287,001,960	$ 307,634,577

SECTION 98.01.

Commissioners of the Sinking Fund

The foregoing appropriation item 090-401, Commissioners of the Sinking Fund, shall be used for all costs incurred by order of, or on behalf of, the Commissioners of the Sinking Fund, with respect to the issuance and sale of bonds or other obligations, including, but not limited to, engraving, printing, advertising, and other related outlays. The General Revenue Fund shall be reimbursed for such costs on intrastate transfer voucher drawn by the Commissioners of the Sinking Fund, pursuant to a certification by the Treasurer of State of the actual amounts used. The amounts necessary to make such reimbursements are hereby appropriated from the bond retirement funds created by the laws and Constitution of this state to the extent such costs are incurred.

Capital Improvements Bond Service

The foregoing appropriation item 090-900, Capital Improvements Bond Service, shall be used for the purpose of paying the principal and interest on General Obligation Infrastructure Improvement Bonds issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined

that additional appropriations are necessary, such amounts are hereby appropriated.

SECTION 98.02.

Police and Firemen's Death Benefit Fund

The foregoing appropriation item 090-575, Police and Fire Death Benefits, shall be disbursed by the Treasurer of State in quarterly payments at the beginning of each quarter to the Board of Trustees of the Police and Firemen's Disability and Pension Fund. By the twentieth day of June of each year, the Board of Trustees of the Police and Firemen's Disability and Pension Fund shall certify to the Treasurer of State the amount disbursed in each quarter of the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this item but not disbursed.

SECTION 99. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD

State Special Revenue Fund Group					
691	810-632	PUSTRCB Staff	$ 908,000	$	927,924
TOTAL SSR State Special Revenue Fund Group			$ 908,000	$	927,924
TOTAL ALL BUDGET FUND GROUPS			$ 908,000	$	927,924

SECTION 100. OVH OHIO VETERANS' HOME

General Revenue Fund					
GRF	430-100	Personal Services	$ 13,756,623	$	13,678,901
GRF	430-200	Maintenance	$ 5,077,497	$	5,259,631
TOTAL GRF General Revenue Fund			$ 18,834,120	$	18,938,532
Federal Special Revenue Fund Group					
3L2	430-601	Federal Grants	$ 7,949,495	$	7,949,495
TOTAL FED Federal Special Revenue Fund Group			$ 7,949,495	$	7,949,495
State Special Revenue Fund Group					
4E2	430-602	Veterans Home Operating	$ 4,400,000	$	4,300,000
484	430-603	Rental and Service Revenue	$ 102,300	$	104,755
604	430-604	Veterans Home Improvement	$ 593,175	$	607,411
TOTAL SSR State Special Revenue Fund Group			$ 5,095,475	$	5,012,166
TOTAL ALL BUDGET FUND GROUPS			$ 31,879,090	$	31,900,193

SECTION 101. VET VETERANS' ORGANIZATIONS

General Revenue Fund

		VAP AMERICAN EX-PRISONERS OF WAR			
GRF	743-501	State Support	$ 24,444	$	25,030
		VAN ARMY AND NAVY UNION, USA, INC.			
GRF	746-501	State Support	$ 53,723	$	55,012
		VKW KOREAN WAR VETERANS			
GRF	747-501	State Support	$ 48,294	$	49,453
		VJW JEWISH WAR VETERANS			
GRF	748-501	State Support	$ 29,018	$	29,715
		VCW CATHOLIC WAR VETERANS			
GRF	749-501	State Support	$ 56,631	$	57,990
		VPH MILITARY ORDER OF THE PURPLE HEART			
GRF	750-501	State Support	$ 55,056	$	56,377
		VVV VIETNAM VETERANS OF AMERICA			
GRF	751-501	State Support	$ 177,947	$	185,954
		VAL AMERICAN LEGION OF OHIO			
GRF	752-501	State Support	$ 241,462	$	252,328
		VII VETERANS OF WORLD WAR II-KOREA-VIETNAM			
GRF	753-501	State Support	$ 728,535	$	237,919
		VAV DISABLED AMERICAN VETERANS			
GRF	754-501	State Support	$ 159,146	$	166,308
		VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO			
GRF	755-501	State Support	$ 4,127	$	4,226
		VMC MARINE CORPS LEAGUE			
GRF	756-501	State Support	$ 82,270	$	85,972
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION			
GRF	757-501	State Support	$ 5,807	$	5,946
		VFW VETERANS OF FOREIGN WARS			
GRF	758-501	State Support	$ 163,846	$	196,615
		VWI VETERANS OF WORLD WAR I			
GRF	759-501	State Support	$ 24,444	$	25,031
TOTAL GRF General Revenue Fund			$ 1,854,750	$	1,433,876
TOTAL ALL BUDGET FUND GROUPS			$ 1,854,750	$	1,433,876

Release of Funds

The foregoing appropriation items 743-501, 746-501, 747-501, 748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 755-501, 756-501, 757-501, 758-501, and 759-501, State Support, shall be released upon approval by the Director of Budget and Management.

American Ex-Prisoners of War

The American Ex-Prisoners of War shall be permitted to share an office with the Veterans of World War I.

Central Ohio United Services Organization

Of the foregoing appropriation item 751-501, State Support, Vietnam Veterans of America, $50,000 in each fiscal year shall be used to support the activities of the Central Ohio USO.

National World War II Memorial Fund

Of the foregoing appropriation item 753-501, State Support, Veterans of World War II-Korea-Vietnam, $500,000 in fiscal year 2000 shall be used for the contribution to the National World War II Memorial Fund. The Director of Budget and Management shall not release any funds for the National World War II Memorial until the project has commenced construction and the national capital campaign has received ninety per cent of its goal through cash received or commitments.

Veterans Service Commission Education

Of the foregoing appropriation item 753-501, State Support, up to $20,000 in each fiscal year may be used to provide moneys to the Association of County Veterans Service Commissioners to reimburse its member county veterans service commissions for costs incurred in carrying out educational and outreach duties required under divisions (E) and (F) of section 5901.03 of the Revised Code. Upon the presentation of an itemized statement to the Office of Veterans Affairs, the office shall direct the Auditor of State to issue a warrant upon the state treasury to the association to reimburse member commissions for reasonable and appropriate expenses incurred performing these duties. The association shall establish uniform procedures for reimbursing member commissions.

SECTION 102. DVM STATE VETERINARY MEDICAL BOARD

General Services Fund Group				
4K9 888-609	Operating Expenses	$ 476,815	$	470,773
TOTAL GSF General Services Fund Group		$ 476,815	$	470,773
TOTAL ALL BUDGET FUND GROUPS		$ 476,815	$	470,773

SECTION 103. WPR WOMEN'S POLICY AND RESEARCH COMMISSION

General Revenue Fund				
GRF 920-321	Operating Expenses	$ 256,395	$	256,836
TOTAL GRF General Revenue Fund		$ 256,395	$	256,836
State Special Revenue Fund Group				
4V9 920-602	Women's Policy and Research Commission Fund	$ 5,000	$	5,000
TOTAL SSR State Special Revenue Fund Group		$ 5,000	$	5,000
TOTAL ALL BUDGET FUND GROUPS		$ 261,395	$	261,836

Women's Policy and Research Commission Spending Review

The Women's Policy and Research Commission shall explore, with The Ohio State University or any other state university, better options for utilizing state resources provided to the commission. The commission shall

make spending efficiency recommendations to the Governor and the General Assembly by June 30, 2000.

SECTION 104. DYS DEPARTMENT OF YOUTH SERVICES

General Revenue Fund						
GRF	470-401	RECLAIM Ohio	$	148,126,420	$	156,117,444
GRF	470-402	Community Program Services	$	2,422,163	$	2,418,255
GRF	470-404	Vocational Rehabilitation	$	262,144	$	268,435
GRF	470-412	Lease Rental Payments	$	13,675,000	$	16,300,000
GRF	470-501	Rehabilitation Subsidy	$	2,271,193	$	2,147,431
GRF	470-502	Detention Subsidy	$	5,884,408	$	5,963,264
GRF	470-510	Youth Services	$	21,245,799	$	21,755,698
GRF	472-321	Parole Operations	$	16,529,366	$	16,920,719
GRF	474-321	Facilities Activation	$	3,000,000	$	0
GRF	477-321	Administrative Operations	$	13,574,689	$	13,892,543
GRF	477-406	Interagency Collaborations	$	250,000	$	250,000
TOTAL GRF General Revenue Fund			$	227,241,182	$	236,033,789
General Services Fund Group						
175	470-613	Education Reimbursement	$	8,234,088	$	8,433,953
4A2	470-602	Child Support	$	207,192	$	302,659
4G6	470-605	General Operational Funds	$	10,000	$	10,000
479	470-609	Employee Food Service	$	142,613	$	140,263
523	470-621	Wellness Program	$	63,800	$	63,800
TOTAL GSF General Services Fund Group			$	8,657,693	$	8,950,675
Federal Special Revenue Fund Group						
321	470-601	Education	$	1,267,834	$	1,653,736
321	470-603	Juvenile Justice Prevention	$	1,134,083	$	1,129,410
321	470-606	Nutrition	$	2,719,093	$	2,795,228
321	470-610	Rehabilitation Programs	$	179,326	$	179,326
321	470-614	Title IV-E Reimbursements	$	5,628,234	$	5,417,088
321	470-617	Americorps Programs	$	248,617	$	248,617
TOTAL FED Federal Special Revenue Fund Group			$	11,177,187	$	11,423,405
State Special Revenue Fund Group						
147	470-612	Vocational Education	$	1,864,791	$	1,911,569
TOTAL SSR State Special Revenue Fund Group			$	1,864,791	$	1,911,569
TOTAL ALL BUDGET FUND GROUPS			$	248,940,853	$	258,319,438

Ohio Building Authority Lease Payments

The foregoing appropriation item 470-412, Lease Rental Payments, in the Department of Youth Services, shall be used for payments, limited to the aggregate amount of $29,975,000, to the Ohio Building Authority for the period from July 1, 1999, to June 30, 2001, pursuant to the primary leases and agreements for facilities made under Chapter 152. of the Revised Code which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

RECLAIM Ohio

In determining the amount of moneys necessary to fund the foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal years 2000 and 2001, the Department of Youth Services shall compute the number of state target youth for each fiscal year. As defined in section 5139.01 of the Revised Code, "state target youth" means twenty-five per cent of the projected total number of felony-level delinquency adjudications in the juvenile courts for each year of a biennium, factoring in revocations and recommitments. The foregoing appropriation item 470-401, RECLAIM Ohio, shall provide for an amount not less than $98 per day for each state target youth or not less than $20,000 per year for each state target youth for each year of the biennium.

Of the foregoing appropriation item 470-401, RECLAIM Ohio, $50,000 in each fiscal year shall be distributed to Lighthouse Youth Services.

Community Program Services

Of the foregoing appropriation item 470-402, Community Program Services, $25,000 in each fiscal year shall be used for the City of Cincinnati parental responsibility program. Of the foregoing appropriation item 470-402, Community Program Services, $25,000 in fiscal year 2000 shall be distributed to the Artworks Youth Employment Program. Of the foregoing appropriation item 470-402, Community Program Services, $35,000 in fiscal year 2000 shall be distributed to the Mahoning County Boys and Girls Club.

Vocational Rehabilitation

The Department of Youth Services and the Rehabilitation Services Commission shall enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. The foregoing appropriation item 470-404, Vocational Rehabilitation, shall be used to provide vocational rehabilitation services and staff in accordance with the interagency agreement. The Department of Youth Services may transfer additional moneys to appropriation item 470-404, Vocational Rehabilitation, with Controlling Board approval.

Detention Subsidy

Notwithstanding any law or rule to the contrary, of the foregoing appropriation item 470-502, Detention Subsidy, $235,000 in fiscal year 2000 shall be distributed to the Muskingum County Detention Center.

Employee Food Service and Equipment

Notwithstanding section 125.14 of the Revised Code, the foregoing appropriation item 470-609, Employee Food Service, may be used to purchase any food operational items with funds received into the fund from reimbursement for state surplus property.

Education Reimbursement

The foregoing appropriation item 470-613, Education Reimbursement, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment. This appropriation item shall not be used for capital expenses.

Financial Assistance for Juvenile Rehabilitation and Treatment Facilities

Pursuant to section 5139.28 of the Revised Code, grants awarded for financial assistance for the operation and maintenance of schools or other facilities shall be in an amount not to exceed one-half of the cost of operating and maintaining such schools or facilities, but may not exceed in any one month $540 multiplied by the average daily enrollment in each fiscal year.

Financial Assistance for Juvenile Detention Facilities

Pursuant to section 5139.281 of the Revised Code, funding provided to a county for the operation and maintenance of each home shall be in an amount of fifty per cent of the approved annual operating cost, but shall not be in excess of $156,928 in each fiscal year.

SECTION 105.

Investment Earnings on Tobacco Master Settlement Agreement Fund

All investment earnings on moneys deposited in the Tobacco Master Settlement Agreement Fund (Fund 087), which was created by the Controlling Board on March 15, 1999, shall be credited to the Tobacco Master Settlement Agreement Fund (Fund 087). On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the investment earnings on Fund 087 for fiscal year 1999, which were credited to the General Revenue Fund, from the General Revenue Fund to Fund 087.

SECTION 106.

OPLIN Technology Fund

The Director of Budget and Management shall transfer any amount remaining in the OPLIN Technology Fund at the end of fiscal year 1999 to the General Revenue Fund.

SECTION 107.

Local OBES/ODHS Integration Initiatives

In anticipation of the merger of the Ohio Department of Human Services (ODHS) and the Ohio Bureau of Employment Services (OBES) into the Ohio Department of Job and Family Services, and as part of the implementation of the federal Work Force Investment Act (WIA), local integration initiatives may be established jointly by OBES and ODHS in fiscal year 2000 or 2001. In one or more of the initiatives, a local work force development board may be created and appointed by local elected officials to replace the current existing service delivery areas (SDAs) - private industry council (PIC), the job service employer committee, and the county human services planning committee, and to serve as the federally required work force investment board if the area qualifies. In serving in that capacity for the aforementioned boards, the work force development board shall provide direct oversight of the funding and operations of programs such as the Ohio Works First Program, Job Training Partnership Act (JTPA)/(WIA) Programs, and other State of Ohio employment and training/work force development activities carried out by the Ohio Bureau of Employment Services and the local county department of human services. A work force development board that replaces a county human services planning committee shall perform the committee's duties under sections 307.98, 329.02, and 329.06 of the Revised Code. The initiatives may be expanded to include surrounding counties with the approval of local elected officials and the Directors of the Ohio Department of Human Services and the Ohio Bureau of Employment Services. In addition to these oversight functions, the work force development board through the State of Ohio and local partners shall provide planning and coordination related to all vocational, educational, and employment and training programs requiring coordination under the WIA within the county. The local board of county commissioners or other local elected officials shall perform the administrative functions for the local initiatives and provide monthly information to the Directors of ODHS and OBES concerning the operational issues, services, finances, and performance measures that must be correctly addressed for successful implementation of the Work Force Investment Act.

SECTION 108.

Adult Emergency Assistance Program

Appropriations in appropriation item 400-512, Non-TANF Emergency

Assistance, in fiscal year 2000 and appropriations in appropriation item 600-512, Non-TANF Emergency Assistance, in fiscal year 2001 shall be used for the Adult Emergency Assistance Program established under section 5101.86 of the Revised Code.

SECTION 109.

Expenditure of Funds

Any moneys which the Controlling Board authorizes for expenditure pursuant to section 131.35 of the Revised Code are hereby appropriated for the period ending June 30, 2001.

SECTION 110.

Unexpected Refunds

Any refunds which the Controlling Board authorizes pursuant to section 131.39 of the Revised Code are hereby appropriated for the period ending June 30, 2001.

SECTION 111.

Personal Service Expenses

Unless otherwise prohibited by law, each appropriation in this act from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and all group insurance programs; the costs of centralized accounting, centralized payroll processing, and related personnel reports and services; the cost of the Office of Collective Bargaining; the cost of the Personnel Board of Review; the cost of the Employee Assistance Program; the cost of the Equal Opportunity Center; the costs of interagency information management infrastructure; and the cost of administering the state employee merit system as required by section 124.07 of the Revised Code. Such costs shall be determined in conformity with appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070-601, Public Audit Expense - Local Government, in Fund 422 may be exempt from the requirements of this section.

SECTION 112.

Reissuance of Voided Warrants

In order to provide funds for the reissuance of voided warrants pursuant

to section 117.47 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 117.47 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

113.*

Capital Project Settlements

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that sufficient unencumbered moneys do not exist in the particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under such contract were payable in whole or in part from a state capital projects appropriation. In such a case, the director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code, or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The Controlling Board may approve or disapprove the application as submitted or modified. The amount of an increase in appropriation or new appropriation specified in an application approved by the Controlling Board is hereby appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the director does not make the application authorized by this section or the Controlling Board disapproves the application, and the director does not make application pursuant to division (C)(4) of section 2743.19 of the Revised Code, the director shall for the purpose of making that payment request to the General Assembly as provided for in division (C)(5) of that section.

SECTION 114.

Income Tax Distribution to Counties

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division

(B)(2) of section 5747.03 of the Revised Code.

SECTION 115.

Satisfaction of Judgments and Settlements Against the State

An appropriation contained in this act may be used for the purpose of satisfying judgments or settlements in connection with civil actions against the state in federal court not barred by sovereign immunity or the Eleventh Amendment to the Constitution of the United States, or for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims in connection with civil actions against the state, pursuant to section 2743.15, 2743.19, or 2743.191 of the Revised Code. This authorization shall not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, for or relating to lease payments or debt service on bonds, notes, or similar obligations and those from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), the Parks and Recreation Improvement Fund (Fund 035), the State Capital Improvements Fund (Fund 038), the Highway Obligation Fund (Fund 041), the Coal Research/Development Fund (Fund 046), and any other fund into which proceeds of obligations are deposited. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, nor is it intended to waive or compromise any defense or right available to the state in any suit against it.

116.*

Utility Radiological Safety Board Assessments

The maximum amounts that may be assessed against nuclear electric utilities in accordance with division (B)(2) of section 4937.05 of the Revised Code are as follows:

	FY 2000	FY 2001
Department of Agriculture		
Fund 4E4 Utility Radiological Safety	$100,211	$99,733

Department of Health		
Fund 610 Radiation Emergency Response	$920,982	$921,584
Environmental Protection Agency		
Fund 644 ER Radiological Safety	$183,380	$184,893
Emergency Management Agency		
Fund 657 Utility Radiological Safety	$822,079	$806,339

SECTION 117.

Occupational and Licensing Board Fund Transfers

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer any remaining amounts of cash from the specified obsolete funds to the Occupational Licensing and Regulatory Fund (Fund 4K9) within thirty days of the effective date of this section: State Board of Cosmetology, Fund 4D3 Cosmetology Adjudication Fund.

SECTION 118.

Lease Payments to OPFC, OBA, and Treasurer of State

Certain appropriations are in this act for the purpose of lease payments to the Ohio Public Facilities Commission, to the Ohio Building Authority, and to the Treasurer of State for the purpose of paying principal and interest on bonds or notes issued by the Ohio Public Facilities Commission, the Ohio Building Authority, or the Treasurer of State pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SECTION 119.

State and Local Rebate Authorization

There is hereby appropriated, from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations pursuant to Section 148(f) of the Internal Revenue Code.

Appropriations shall be posted and disbursed for these purposes upon request and presentation of a voucher to the Director of Budget and Management.

SECTION 120.

Transfers of Cash and Outstanding Encumbrance Balances

Any appropriation authority required by the Director of Budget and Management to reestablish encumbrances in a fund or appropriation item within an agency or between agencies pursuant to section 126.15 of the Revised Code is hereby authorized and appropriated.

SECTION 121.

Federal Cash Management Improvement Act

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management is authorized to cancel and reestablish all or parts of encumbrances in like amounts within the funds identified by the plan. Such amounts necessary to reestablish all or parts of encumbrances are hereby appropriated.

SECTION 122.

Statewide Indirect Cost Recovery

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs pursuant to section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

SECTION 123.

Investment Income

(A) Notwithstanding section 131.41 of the Revised Code, in both fiscal year 2000 and fiscal year 2001, investment income of the Human Services Stabilization Fund (HSSF) shall be credited to the state General Revenue Fund.

(B) Notwithstanding section 113.09 of the Revised Code, in both fiscal year 2000 and fiscal year 2001, the first $12 million in investment income from the Budget Stabilization Fund shall be transferred by the Director of Budget and Management to Fund 646, Low and Moderate Income Housing

Trust Fund.

(1) In each fiscal year, there shall be four transfers by the Director of Budget and Management of the investment income to the Low and Moderate Income Housing Trust Fund.

(2) The first such transfer in each fiscal year shall be in October, after the first quarter of investment earnings has been credited to the Budget Stabilization Fund. The second transfer in each fiscal year shall be in January, after the second quarter of investment earnings has been credited to the Budget Stabilization Fund. The third transfer in each fiscal year shall be in April, after the third quarter of investment earnings has been credited to the Budget Stabilization Fund. The fourth transfer in each fiscal year shall be in June, after the fourth quarter of investment earnings has been credited to the Budget Stabilization Fund.

SECTION 124.

Transfers of Fiscal Year 1999 GRF Ending Balances

(A) Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of section 131.44 of the Revised Code, fiscal year 1999 surplus revenue shall be distributed as provided in division (B) of this section.

(B)(1) The first $85,400,000 of such surplus revenue shall be transferred from the General Revenue Fund to Fund 4Y4, the SchoolNet Plus Fund, in the SchoolNet Commission.

(2) The next $4,600,000 of such surplus revenue shall be transferred to Fund 5G0, Interactive Video Distance Learning.

(3) The next $325,700,000 of such surplus revenue shall be transferred to Fund 021, the Public School Building Fund, and such amount is hereby appropriated to item CAP-622, Public School Buildings, in the School Facilities Commission. Such appropriation shall become available on the ninety-first day after this act is filed with the Secretary of State. The School Facilities Commission may set aside up to twenty per cent of such appropriation for the pilot program for low wealth school districts with exceptional needs for immediate classroom facility assistance that is described in division (B) of Section 26 of Am. Sub. H.B. 850 of the 122nd General Assembly.

(4) Any surplus revenue in excess of the amounts distributed under divisions (B)(1) to (3) of this section shall be transferred to the Income Tax Reduction Fund in accordance with section 131.44 of the Revised Code.

SECTION 125.

GRF Transfers in FY 2000 and FY 2001

(A) In fiscal year 2000, on or after August 15, 1999, the Director of Budget and Management shall transfer the following amounts from the state General Revenue Fund to various other state funds:

(1) $15,600,000 to Fund 5E2, Disaster Services, within the Controlling Board. Of this amount, $5,000,000 shall ultimately be transferred to the Department of Natural Resources, to be used for statewide flood mitigation projects. Up to $3,000,000 shall be used for reimbursing local governments for costs associated with tornado disaster relief in Hamilton and Warren counties.

(2) $12,000,000 to Fund 5D3, the High Definition Television Fund, which is hereby created in the state treasury. Moneys in this fund, which shall be administered by the Ohio Educational Telecommunications Network Commission, shall be used only for purchases of transmitter hardware.

(3) $9,000,000 to Fund 5E7, Transit Capital Fund, for the purpose of providing local matching dollars for federal grants for public transportation.

(B) In fiscal year 2001, on or after August 15, 2000, the Director of Budget and Management shall transfer the following amounts from the state General Revenue Fund to various other state funds:

(1) $4,400,000 to Fund 5E2, Disaster Services, within the Controlling Board.

(2) $9,000,000 to Fund 5E7, Transit Capital Fund, for the purpose of providing local matching dollars for federal grants for public transportation.

(3) $10,000,000 to Fund 5GO, Interactive Video Distance Learning Fund.

SECTION 126.

GRF Transfers on Behalf of the Statewide Indirect Cost Allocation Plan

The total transfers made from the General Revenue Fund by the Director of Budget and Management pursuant to this section shall not exceed the amounts transferred into the General Revenue Fund pursuant to division (B) of section 126.12 of the Revised Code.

A director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation plan pursuant to federal regulations, from any fund included in the Statewide Indirect Cost Allocation plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may

transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared pursuant to section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The Director of Administrative Services may certify to the Director of Budget and Management the amount of building rent expense or building debt service expense paid by state agencies from funds other than the General Revenue Fund to the General Revenue Fund which is not an allowed cost for reimbursement under federal grant programs. The Director of Budget and Management may refund the amount of the disallowed cost from the General Revenue Fund to either the fund from which the payment was originally made or the federal grantor agency, as appropriate. If additional appropriations are required to make such refunds, the amounts are hereby appropriated.

SECTION 127.

Reappropriation of Unexpended Balances of Operating Appropriations

(A) An unexpended balance of an appropriation or reappropriation that a state agency has lawfully encumbered prior to the close of a fiscal year is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the following period and shall remain available only for the purpose of discharging the encumbrance:

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale, other than an encumbrance for an item of special order manufacture not available on term contract or in the open market or for reclamation of land or oil and gas wells for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended;

(4) For an encumbrance for any other expense, for such period as the director approves.

Any operating appropriations for which unexpended balances are

reappropriated beyond a five-month period from the end of the fiscal year, pursuant to subdivisions (2) and (4) of this division, shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, the vendor involved, and the reappropriation period approved by the director. Such report to the board shall be updated on a quarterly basis for encumbrances remaining open.

Upon the expiration of the reappropriation period set out in subdivisions (1), (2), (3), or (4) of this division, a reappropriation made pursuant to this division shall lapse, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation no later than the end of the weekend following the expiration of the reappropriation period.

If the Controlling Board approved a purchase that approval remains in effect as long as the encumbrance of appropriation for that purchase remains open.

(B) Notwithstanding section 131.33 of the Revised Code which provides that unexpended balances of appropriations shall, at the close of the period for which appropriations are made, revert to the funds from which the appropriations were made, $1,940,000 of the unexpended balance in appropriation item 777-471, Airport Improvements - State, is hereby reappropriated to the Ohio Department of Transportation from the General Revenue Fund to appropriation item 777-471, Airport Improvements - State. The reappropriation is made for the period beginning July 1, 1999 and ending June 30, 2000. Upon the expiration of the reappropriation period, the reappropriation shall lapse. The amount reappropriated is equal to the amount transferred to the Ohio Department of Transportation by the Controlling Board from appropriation item 911-440, Airport Improvements, to appropriation item 777-471, Airport Improvements - State, on April 26, 1999. The amount of the reappropriation is in addition to the amounts which are appropriated from the General Revenue Fund to appropriation item 777-471, Airport Improvements - State, for Fiscal Year 2000 and Fiscal Year 2001.

SECTION 128.

Federal Government Interest Requirements

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared pursuant to division (A) of section 126.12 of the Revised Code, may designate such funds as the

director considers necessary to retain their own interest earnings.

SECTION 129.

Moratorium for New MR/DD Residential Facility Beds

(A) During the period beginning July 1, 1999, and ending June 30, 2001, the Department of Mental Retardation and Developmental Disabilities shall not issue development approval for, nor license under section 5123.19 of the Revised Code, new residential facility beds for persons with mental retardation or developmental disabilities, except that the department may approve the development or licensure, or both, of such new beds in an emergency. The department shall adopt rules in accordance with Chapter 119. of the Revised Code specifying what constitutes an emergency for the purposes of this section.

(B) For the purposes of division (A) of this section, the following shall not be considered new beds:

(1) Beds relocated from one facility to another, if the facility from which the beds are relocated reduces the number of its beds by the same number of beds that are relocated to the other facility;

(2) Beds to replace others that the Director of Health determines no longer comply with the standards of the Medical Assistance Program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

SECTION 130. The Auditor of State shall serve as financial supervisor to any financial planning and supervision commission established pursuant to section 118.05 of the Revised Code on or after the effective date of this section and as financial supervisor to any financial planning and supervision commission established pursuant to that section before that date upon the termination of any existing contract with a firm of certified public accountants approved by the Controlling Board as authorized by division (G) of that section before its amendment by this act.

SECTION 131. Not later than July 1, 2001, the Auditor of State shall conduct and complete a performance audit of the Medicaid Program operated by the state Department of Human Services. The Auditor of State may charge the department for the cost of the audit as provided in division (A) of section 117.13 of the Revised Code.

SECTION 132. (A) The Director of Commerce shall prepare a report that analyzes both of the following:

(1) The total amount of unclaimed funds collected by the Department of Commerce over a period of at least six months;

(2) What portion of that amount represents unclaimed funds resulting from business to business transactions.

For purposes of this section, "business to business transactions" includes, but is not limited to, outstanding credit balances, checks or memoranda, overpayments for goods or services, unidentified remittances, nonrefunded overcharges, accounts receivable, discounts, refunds, and rebates.

(B) To facilitate the collection of the necessary data, the Director may adopt rules establishing the methods by which the Department is to separately identify those unclaimed funds that are the result of business to business transactions.

(C) Not later than January 1, 2001, the Director shall submit a copy of the report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.

SECTION 133.

Local Government Y2K Loan Program

In addition to the duties found in Chapter 319. of the Revised Code and in accordance with Section 37.17 of this act, the county auditor of each county or participating municipal corporation that receives funding from the Local Government Y2K Loan Program shall assist the Department of Development with loan repayment activities, as prescribed in Section 37.17 of this act, when needed.

This section expires on July 1, 2002.

134.*

Licensing of Mental Health Residential Facilities

The amendment of section 5119.22 of the Revised Code by this act, which provides for two-year full licenses to be issued to residential facilities by the Department of Mental Health, does not affect the expiration date of a full license that was issued before the effective date of this section. On and after the effective date of this section, the department shall renew full licenses originally issued prior to the effective date of this section for a

two-year period in accordance with the amendment of section 5119.22 of the Revised Code by this act.

SECTION 135. The jurisdiction, including all control and supervision, over the state-owned building located at 25 South Front Street, Columbus, Ohio, is hereby transferred from the Ohio Department of Transportation to the Department of Administrative Services.

SECTION 136. The amendments to section 3109.18 of the Revised Code by this act shall not affect the term of any member of a child abuse and child neglect advisory board serving on the effective date of this section. Vacancies on the board shall be filled in accordance with section 3109.18 of the Revised Code.

SECTION 137. The Office of Budget and Management shall study the financial impact of the reduction of the inventory tax on school districts and local governments and shall report its findings to the finance committees of both houses of the General Assembly by July 1, 2000.

SECTION 138. Employees of the Ohio Civil Rights Commission, as determined by the collective bargaining agreement in force on the effective date of this section, who are the direct staff of the Commission on African-American Males shall be transferred to and become employees of the Commission on African-American Males on July 1, 1999. Effective the first pay period in which personnel service expenses are charged against fiscal year 2000 appropriations, employees transferred under this section retain their civil service qualifications and status and any rights conferred by Chapter 4117. of the Revised Code, and all rights and benefits accruing thereto. Notwithstanding section 124.13 of the Revised Code, all vacation leave time and other benefits earned by employees transferred under this section shall be considered to have been earned by those employees as employees of the Commission on African-American Males.

As soon as possible after the effective date of this section, the Ohio Civil Rights Commission and the Commission on African-American Males shall enter into an agreement regarding the fiscal relationship between the agencies.

SECTION 139.* All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 026). Revenues of the Administrative Building Fund shall consist of proceeds of obligations authorized to pay the costs of capital facilities, as defined in section 152.09 of the Revised Code, for the following improvements:

OVH OHIO VETERANS' HOME

CAP-759	Veterans' Home Construction	$	4,200,000
Total Ohio Veterans' Home		$	4,200,000
Total Administrative Building Fund		$	4,200,000

Veterans' Home Construction

Upon notification of the availability of a federal Department of Veterans Affairs state home construction grant, the Ohio Veterans' Home may seek authority from the Controlling Board for release of funds in the foregoing appropriation item, CAP-759, Veterans' Home Construction, to assist with the cost of construction of an additional state-operated, 168-bed veterans' home.

Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 850 of the 122nd General Assembly. The appropriations made in this act are subject to all provisions of Am. Sub. H.B. 850 of the 122nd General Assembly that are generally applicable to such appropriations.

Notwithstanding any other provision of the Revised Code, the construction of the new veterans' home shall not fall under the provisions for local administration. Any new veterans' home construction project shall be administered by the Department of Administrative Services.

SECTION 140.* The Ohio Building Authority is hereby authorized to issue and to sell, in accordance with the provisions of Section 2I of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an additional principal amount of $4,200,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs associated with previously authorized capital facilities, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

SECTION 141.

Sunset of Hospital Care Assurance Program

That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, be amended to read as follows:

" Sec. 153. (A) ~~Section 5112.20 of the Revised Code is hereby repealed, effective July 1, 1997.~~ Sections 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code~~, as enacted by Am. Sub. H.B 117 of the 121st General Assembly,~~ are hereby repealed, effective July 1, ~~1999~~ 2001.

(B) Any money remaining in the Legislative Budget Services Fund on July 1, ~~1999~~ 2001, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist."

SECTION 142. That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed.

SECTION 143. That Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, as amended by Am. Sub. H.B. 621 of the 122nd General Assembly, be amended to read as follows:

" Sec. 3. Sections 122.23, 122.24, 122.25, 122.26, and 122.27 of the Revised Code are hereby repealed, effective June 30, ~~1999~~ 2001."

SECTION 144. That existing Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, as amended by Am. Sub. H.B. 621 of the 122nd General Assembly, is hereby repealed.

SECTION 145. That Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly be amended to read as follows:

" Sec. 3. Section 1751.68 of the Revised Code is hereby repealed, effective July 1, ~~1999~~ 2001."

SECTION 146. That existing Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

SECTION 147. That Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly be amended to read as follows:

" Sec. 3. That sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code are hereby repealed, effective ~~June 30, 1999~~ July 1, 2001."

SECTION 148. That existing Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly is hereby repealed.

SECTION 149. That Section 3 of Sub. H.B. 694 of the 122nd General Assembly be amended to read as follows:

" Sec. 3. The amendment by ~~this act~~ Sub. H.B. 694 of the 122nd General Assembly of sections 5715.13 and 5715.19 of the Revised Code is remedial legislation and applies to any complaint that was timely filed under either of those sections respecting valuations for tax year 1994, 1995, 1996, or 1997, and to complaints filed for tax years 1998 and thereafter. Notwithstanding division (A)(2) of section 5715.19 of the Revised Code, any person authorized by this act to file a complaint under section 5715.13 or 5715.19 of the Revised Code that timely filed a complaint for tax year 1994, 1995, 1996, or 1997 may file a complaint under those sections, as amended by this act, on or before March 31, ~~1999~~ 2000, respecting valuations for tax year 1994, 1995, 1996, 1997, or 1998, and the board of revision shall proceed to hear the complaint as otherwise provided under Chapter 5715. of the Revised Code."

SECTION 150. That existing Section 3 of Sub. H.B. 694 of the 122nd General Assembly is hereby repealed.

SECTION 151.* That Sections 3.01, 3.03, 21, and 30.25 of Am. Sub. H.B. 850 of the 122nd General Assembly be amended to read as follows:

SECTION 3.01 OF AM. SUB. H.B. 850/122nd GA

" Sec. 3.01. DAS DEPARTMENT OF ADMINISTRATIVE

RVICES

CAP-785	Rural Areas Historical Projects	$	440,000
CAP-786	Rural Areas Community Improvements	$	~~5,315,000~~ 6,639,618
CAP-817	Urban Areas Community Improvements	$	~~12,508,150~~ 14,608,150
CAP-818	Community Theatre Renovations	$	400,000
Total Department of Administrative Services		$	~~18,663,150~~ 22,072,768

Rural Areas Historical Projects

Of the foregoing appropriation item CAP-785, Rural Areas Historical Projects, $100,000 shall be used for Hancock County Historical Society Facility Improvements; $40,000 shall be used for Harveysburg Community Historic Society; $50,000 shall be used for Wood County Historical Museum - Old Public Hospital Restoration; $200,000 shall be used for James A. Garfield Historic Site Improvements; and $50,000 shall be used for Elmore Historical Society.

Rural Areas Community Improvements

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, $100,000 shall be used for Hocking Valley Railroad Improvements; $50,000 shall be used for Belmont County Park District - Convention Center; $70,000 shall be used for Aberdeen Huntington Community Center; $100,000 shall be used for Chrisholm Historic Farmstead Restoration; $100,000 shall be used for Clinton County Senior Center; $150,000 shall be used for Coshocton Infrastructure Improvements; $200,000 shall be used for Coshocton Visitors' and Convention Bureau; $20,000 shall be used for Warsaw Community Improvements; $100,000 shall be used for Washington Court House Downtown Redevelopment; $80,000 shall be used for Gallia County Industrial Park Improvements; $150,000 shall be used for Desmond Hall Industrial Park; $100,000 shall be used for Kenton Armory Improvements; $162,000 shall be used for Sinking Springs Infrastructure Improvements; $20,000 shall be used for Laurelville Community Improvements; $16,000 shall be used for Gibisonville Community Recreation Center Improvements; $150,000 shall be used for Holmes County Historic Building Improvements; $500,000 shall be used for Davis-Shai House Historical Site; $100,000 shall be used for Maritime Museum in Vermillion; $100,000 shall be used for Meadowbrook Park Ballroom Restoration; $90,000 shall be used for Big Island Nature Center Improvements; $300,000 shall be used for Medina County Arts Center Improvements; $142,000 shall be used for Graysville Community Center; $49,000 shall be used for Roseville Community Center Improvements; $100,000 shall be used for South Zanesville Community Improvements;

$20,000 shall be used for Corning Community Center; $50,000 shall be used for Waverly Community Improvements; $20,000 shall be used for Garrettsville Veterans Memorial; $6,000 shall be used for Palmyra Township Veterans Memorial; $100,000 shall be used for Deerfield Township Hall Civic Improvements; $35,000 shall be used for Preble County Coliseum Planning; $300,000 shall be used for Richland Academy of Arts and Sciences Discovery Center; $50,000 shall be used for Village of Pleasant Plain Community Improvements; $48,000 shall be used for Village of South Lebanon Infrastructure Improvements; $41,000 shall be used for Rehabilitate Senior Housing - Waynesville; $40,000 shall be used for Ambrose Hall Museum - Belpre; $100,000 shall be used for New Matamoras Senior Center; $25,000 shall be used for West Salem Town Hall Improvements; $40,000 shall be used for Pemberville Opera House Restoration; $40,000 shall be used for Grand Rapids Village Hall Restoration; $500,000 shall be used for Liberty Commons Infrastructure Project - Lima; $50,000 shall be used for Village of Morrow Infrastructure Improvements; $100,000 shall be used for Fairfield City Cultural Center; $63,000 shall be used for Sunbury Town Hall; $50,000 shall be used for Nelsonville Fountain; $50,000 shall be used for Southern Ohio Port Authority; $100,000 shall be used for Ft. Steuben Land Office; $100,000 shall be used for Columbiana County Port Authority; $25,000 shall be used for Noble County Senior Center; $25,000 shall be used for Crawford County Council on Aging; $14,000 shall be used for Bethel-Tate Fire Department Fire Safety Trailer; $74,000 shall be used for the John P. Parker Historic Site Restoration; $250,000 shall be used for Belmont County Park District Infrastructure Improvements; $200,000 shall be used for Coshocton County North Corridor Infrastructure Improvements; $100,000 shall be used for the Holmes County Historic Building Renovation; $125,000 shall be used for the Summit Township Community Building in Monroe County; $100,000 shall be used for Morgan County Infrastructure Improvements; $100,000 shall be used for the Muskingum County Emergency Shelter Addition; $100,000 shall be used for Noble County Infrastructure Improvements; $42,618 shall be used for the Highland County Improvement Project; $100,000 shall be used for Marietta City Schools Athletic Facilities Improvements; $15,000 shall be used for Belmont County Museum Improvements; $15,000 shall be used for the Guernsey County Senior Center; $7,000 shall be used for Camp Tuscazoar; $50,000 shall be used for New Boston Infrastructure Improvements; $10,000 shall be used for Gallipolis Main Street Improvements; $10,000 shall be used for the Pickaway County Library/Ashville Project; $100,000 shall be used for the

John and Annie Glenn Museum; and $300,000 shall be used for Zahn's Corner Industrial Park.

Urban Areas Community Improvements

Of the foregoing appropriation item CAP-817, Urban Areas Community Improvements, $200,000 shall be used for Clermont County Communications Center; $50,000 shall be used for The Civic Restoration; $50,000 shall be used for Brown Senior Center Renovations; $50,000 shall be used for Loveland Velodome Planning; $25,000 shall be used for Friendly Center Renovations; $5,000 shall be used for Toledo Golden Gloves - Equipment; $50,000 shall be used for Sylvania Historical Society Building Improvements; $50,000 shall be used for Toledo International Youth Hostel Renovations; $100,000 shall be used for Fellows Gardens - Mill Creek Park Improvements; $100,000 shall be used for Weathervane Playhouse Addition; $100,000 shall be used for Akron/Summit Community Action Agency Facility Improvements; $136,000 shall be used for Akron Community Health Resources Inc. Facility Improvements; $75,000 shall be used for Farmington Senior Center Improvements; $85,000 shall be used for President McKinley Home Site improvements; $187,150 shall be used for Shaker Historical Museum; $400,000 shall be used for Solon Community Arts Center; $25,000 shall be used for Orange Senior Center; $75,000 shall be used for Cincinnati Jewish Community Center; $1,000,000 shall be used for Lincoln Heights Health Center Improvements; $500,000 shall be used for Cook's Castle Renovation; $40,000 shall be used for Toledo Jewish Community Center; $100,000 shall be used for Youngstown Jewish Community Center; $1,500,000 shall be used for Youngstown Parking Facility; $150,000 shall be used for Canton Jewish Community Center; $2,000,000 shall be used for Wilderness Center Facility Improvements; $100,000 shall be used for Project AHEAD Facility Improvements; $50,000 shall be used for Sagamore Hills Historical Wall Renovation; $1,000,000 shall be used for Stan Hywet Hall and Gardens; $250,000 shall be used for NEC World Series of Golf Media Facility; $50,000 shall be used for Richfield Historic District Improvements; $100,000 shall be used for Ohio Erie Heritage Corridor Improvements; $150,000 shall be used for Hale Farm Improvements; $1,750,000 shall be used for Wood County Historic Building Renovation; $500,000 shall be used for Miamisburg Mound Development; $100,000 shall be used for Springfield Township ~~Hall~~ fire station; $50,000 shall be used for City of University Heights Community Senior Center; $75,000 shall be used for the J. Frank-Troy Senior Citizens Center; $50,000 shall be used for the Cleveland Health Museum; $50,000 shall be used for the City of Euclid Land Purchase; $25,000 shall be used for the Mahoning

River Corridor of Opportunity Industrial Park; $25,000 shall be used for University Heights Senior Citizen Center Public Library; $50,000 shall be used for Columbus Fire Museum; $50,000 shall be used for League Park Tourist Museum; $100,000 shall be used for Mustill Store Exhibits in Cascade Valley Park; and $30,000 shall be used for Warren Airport Runway Improvements.

Of the foregoing appropriation item CAP-817, Urban Areas Community Improvements, $300,000 shall be used for Columbus Family and Child Guidance Centers; $360,000 shall be used for Central Community House; $180,000 shall be used for St. John Center; $500,000 shall be used for the Akron Art Museum expansion; $500,000 shall be used for the Sandusky State Theater; $275,000 shall be used for River Walk in Warren; $150,000 shall be used for the AMVETS Career Center; $125,000 shall be used for the Canton Palace Theater Association; $500,000 shall be used for the Cleveland-Massillon Economic Development Project; $800,000 shall be used for the Columbus College of Art and Design; $40,000 shall be used for the Lucas County Ottawa Coalition Program; $40,000 shall be used for the Lucas County Grace Community Center; $40,000 shall be used for the Lucas County Friendly Center; $40,000 shall be used for the Lucas County Collingwood Arts Program; $40,000 shall be used for the Lucas County Common Space Program; $50,000 shall be used for the Eliza Bryant Senior Center; $90,000 shall be used for the St. John Center; $180,000 shall be used for Central Community House; $30,000 shall be used for Wesley Development Corporation; and $60,000 shall be used for Wesley Community Development Corporation.

Community Theatre Renovations

Of the foregoing appropriation item CAP-818, Community Theatre Renovations, $100,000 shall be used for Cleveland Public Theatre Improvements - Gordon Square; $125,000 shall be used for Ariel Theatre Renovation; $125,000 shall be used for Markay Theatre Renovations; and $50,000 shall be used for Lorain Palace Theatre Improvements.

SECTION 3.03 OF AM. SUB. H.B. 850/122nd GA

Sec. 3.03. AFC ARTS AND SPORTS FACILITIES COMMISSION

CAP-047	Cincinnati Classical Music Hall of Fame	$	300,000
CAP-050	Columbus Art Museum Facility Planning	$	250,000
CAP-053	Powers Auditorium Improvements	$	250,000
CAP-054	Dayton Performing Arts Center - Planning and Phase I	$	250,000
CAP-059	Johnny Appleseed Museum Theatre	$	175,000
CAP-060	Southeastern Ohio Cultural Arts Center	$	500,000
CAP-062	Akron Art Museum - Planning	$	100,000
CAP-063	Robins Theatre Project	$	50,000
CAP-070	Akron Civic Theatre	$	250,000
CAP-799	Capitol City Exhibit Feasibility	$	50,000

Total Arts And Sports Facilities Commission	$	~~1,825,000~~ 2,175,000

SECTION 21 OF AM. SUB. H.B. 850/122nd GA

Sec. 21. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

Appropriations

AFC ARTS FACILITIES COMMISSION

CAP-001	National Aviation Hall of Fame	$	1,100,000
CAP-004	Valentine Theatre	$	3,500,000
CAP-005	Center for Science and Industry - Columbus	$	5,500,000
CAP-010	Sandusky State Theatre Improvements	$	500,000
CAP-013	Stambaugh Hall Improvements	$	625,000
CAP-033	Woodward Opera House Renovation	$	250,000
CAP-037	Canton Palace Theatre Renovations	$	800,000
CAP-044	National Underground Railroad Freedom Center	$	500,000
CAP-045	Cincinnati Contemporary Arts Center	$	3,500,000
CAP-046	Cincinnati Museum Center Improvements	$	525,000
CAP-048	John and Annie Glenn Museum	$	~~600,000~~ 500,000
~~CAP-049~~	~~Ohio Theatre Improvements~~	~~$~~	~~3,000,000~~
CAP-051	Akron Civic Theatre Improvements	$	~~600,000~~ 350,000
CAP-052	Akron Art Museum	$	1,000,000
CAP-055	WACO Museum and Aviation Learning Center	$	500,000
CAP-056	Ohio Center of Agriculture and Industrial Technology Heritage Center	$	3,500,000
CAP-058	Cedar Bog Nature Preserve Education Center	$	1,000,000
CAP-061	Statewide Arts Facilities Planning	$	500,000
~~CAP-063~~	Robins Theatre Project	$	50,000
CAP-702	Campus Martius Museum Renovations	$	140,000
CAP-734	Hayes Presidential Center - Museum and Home Improvements	$	1,000,000
CAP-735	Paul Lawrence Dunbar House	$	100,000
CAP-741	Adena State Memorial Renovations	$	350,000
CAP-742	Ft. Meigs Museum and Exhibit Improvements	$	2,960,000
CAP-744	Zoar Village Visitor Center and Building Renovations	$	875,000
CAP-753	Buffington Island State Memorial Improvements	$	100,000
CAP-757	Schoenbrunn Village Restoration and Renovations	$	211,000
CAP-758	Ft. Laurens Building and Site Improvements	$	100,000
CAP-770	Serpent Mound State Memorial Improvements	$	295,000
CAP-780	Harding Home State Memorial Restorations	$	390,000
CAP-781	Historical Center - Archives and Library Automation	$	450,000
CAP-784	Ohio Historical Center Rehabilitation	$	800,000
CAP-788	Tallmadge Church Building Restoration	$	250,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	$	315,000
CAP-791	Harrison's Tomb and Site Renovations	$	16,000
CAP-795	Local and Wide-area Networks	$	300,000
CAP-796	Moundbuilders State Memorial Improvements	$	530,000

CAP-797	National Afro-American Museum Improvements	$	300,000
CAP-798	Multi-Site Fire and Security System Improvements	$	100,000
~~CAP-799~~	Capitol City Exhibit Feasibility	$	50,000
CAP-800	Indian Mill State Memorial Improvements	$	112,000
Total Arts Facilities Commission		$	~~37,294,000~~ 33,844,000
Total Arts Facilities Building Fund		$	~~37,294,000~~ 33,844,000

Center for Science and Industry-Columbus

Of the foregoing appropriation item CAP-005, Center for Science and Industry-Columbus, $5,000,000 shall be used for the John Glenn Theatre and $500,000 shall be used for AgScience Experience Exhibits.

COSI-Columbus -- Local Administration of Capital Project Contracts

Notwithstanding division (A) of section 3383.07 of the Revised Code, the Ohio Arts and Sports Facilities Commission, with respect to the foregoing appropriation item CAP-005, Center for Science and Industry-Columbus, is authorized to administer all or part of capital facilities project contracts involving exhibit fabrication and installation as determined by the Department of Administrative Services, the Center of Science and ~~and~~ Industry-Columbus, and the Ohio Arts and Sports Facilities Commission in review of the project plans. The Ohio Arts and Sports Facilities Commission shall enter into a contract with the Center of Science and Industry-Columbus to administer the exhibit fabrication and installation contracts, which contracts are not subject to Chapter 123. or 153. of the Revised Code.

Schoenbrunn Village Restoration and Renovations

Of the foregoing appropriation item CAP-757, Schoenbrunn Village Restoration and Renovations, up to $30,000 shall be used for safety improvements related to the New Philadelphia airport.

Ft. Laurens Building and Site Improvements

Of the foregoing appropriation item CAP-758, Ft. Laurens Building and Site Improvements, $100,000 shall be used for the full reconstruction of the site as formulated by the Friends of Ft. Laurens Foundation.

Sec. 30.25. CTI COLUMBUS STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	$	874,033
CAP-040	Building "D" Planning	$	1,500,000
CAP-041	Columbus College of Art and Design	$	100,000
CAP-049	Ohio Theatre Improvements	$	3,000,000
Total Columbus State Community College		$	~~2,474,033~~ 5,474,033

SECTION 152.* That existing Sections 3.01, 3.03, 21, and 30.25 of Am. Sub. H.B. 850 of the 122nd General Assembly are hereby repealed.

SECTION 153. That Section 5.03 of Am. Sub. H.B. 163 of the 123rd General Assembly be amended to read as follows:

" Sec. 5.03. Emergency Medical Services

State Highway Safety Fund Group						
83M	765-624	Operating Expenses - EMS	$	1,560,000	$	1,578,512
83P	765-637	EMS Grants	$	~~4,000,000~~ 4,800,000	$	4,000,000
831	765-610	EMS/Federal	$	251,760	$	257,803
TOTAL HSF State Highway Safety Fund Group			$	~~5,811,760~~ 6,611,760	$	5,836,315
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services			$	~~5,811,760~~ 6,611,760	$	5,836,315"

SECTION 154. That existing Section 5.03 of Am. Sub. H.B. 163 of the 123rd General Assembly is hereby repealed.

SECTION 155.* (A) Section 50.48 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

(B) The repeal of Section 50.48 of Am. Sub. H.B. 215 of the 122nd General Assembly is in confirmation of an identical repeal of the section by Am. Sub. H.B. 770 of the 122nd General Assembly. Am. Sub. H.B. 770 properly repealed the section in its body, but failed to indicate the repeal in its title.

SECTION 156.* That Section 25 of Am. Sub. H.B. 650 of the 122nd General Assembly is hereby repealed.

SECTION 157.* Section 17.03 of Am. Sub. H.B. 850 of the 122nd General Assembly is hereby repealed.

158.* Section 1501.25 of the Revised Code is hereby repealed, effective December 31, 2002.

159.* (A) That section 101.64 of the Revised Code is hereby repealed.

(B) The repeal by this act of section 101.64 of the Revised Code is

intended to confirm that such was the result intended by the General Assembly in enacting Am. Sub. H.B. 649 of the 122nd General Assembly. This section was made obsolete by reforms Am. Sub. H.B. 649 made in the legislative printing laws. The title of that act correctly indicated the repeal of section 101.64 of the Revised Code, but the outright repeal clause erroneously indicated the repeal of section "102.64" of the Revised Code. No section of the Revised Code bears the number "102.64."

160.* That the version of section 2108.15 of the Revised Code that is to take effect on December 31, 2000, is hereby repealed.

It is the intent of this section to prevent the amendment of section 2108.15 of the Revised Code that was to have taken effect December 31, 2000. The combined effect of this action and a complementary amendment made to existing section 2108.15 of the Revised Code by Section 1 of this act is not substantive.

161.* (A) That section 4121.07 of the Revised Code is hereby repealed.

(B) The repeal by this act of section 4121.07 of the Revised Code is intended to confirm that such was the result intended by the General Assembly in enacting Am. Sub. H.B. 107 of the 120th General Assembly. The outright repeal clause of that act correctly indicated the repeal of section 4121.07 of the Revised Code, but the title of that act erroneously indicated that the section was being amended.

SECTION 162. Except as otherwise specifically provided in this act, the codified sections of law amended or enacted in this act, and the items of law of which the codified sections of law amended or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified sections of law amended or enacted by this act, and the items of law of which the codified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified section of law as amended or enacted by this act, or against any item of law of which any such codified section of law as amended or enacted by this act is composed, the codified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 163. Except as otherwise specifically provided in this act, the repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 164. Sections 9.06, 9.07, 102.02, 109.081, 111.18, 118.01, 118.05, 118.08, 121.05, 122.011, 124.07, 124.181, 125.15, 125.28, 127.16, 131.39, 341.011, 753.19, 901.63, 1155.07, 1155.10, 1155.13, 1163.09, 1163.13, 1163.16, 1181.06, 1181.18, 1309.401, 1509.02, 1509.071, 1513.30, 3353.06, 3383.08, 3702.52, 3702.57, 3702.58, 3702.68, 3705.24, 3734.06, 3734.18, 3734.28, 3734.57, 3745.11, 3748.07, 3748.13, 3753.03, 3753.05, 3793.10, 4105.17, 4112.12, 4117.24, 4301.10, 4301.30, 4301.43, 4511.191, 4511.83, 4703.36, 4703.37, 4713.10, 4717.07, 4723.08, 4729.54, 4730.11, 4731.281, 4732.14, 4736.12, 4741.17, 4741.19, 4747.05, 4747.06, 4747.07, 4747.10, 4766.04, 4766.05, 5101.03, 5101.16, 5101.46, 5101.50, 5101.501, 5101.502, 5101.86, 5111.23, 5111.231, 5112.03, 5112.06, 5112.07, 5112.08, 5112.09, 5112.17, 5117.07, 5117.071, 5117.09, 5120.14, 5139.43, 5145.30, 5709.62, 5709.63, 5709.632, 5749.02, 5907.141, and 6109.21 of the Revised Code as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, go into immediate effect when this act becomes law.

SECTION 165. (A) The amendment by this act to division (C) of section 166.03 of the Revised Code constitutes an item of law that is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, this item of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the item of law, the item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

(B) The amendments by this act to division (B) of section 166.03 of the Revised Code constitute an item of law that is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this item of law goes into immediate effect when this act becomes law.

166.* Sections 121.371, 3109.13, 3109.14, 3109.15, 3109.16, 3109.17, and 3109.18 of the Revised Code, as amended by this act, are subject to the referendum and shall take effect January 1, 2001. Notwithstanding the provisions of section 3109.17 of the Revised Code that require the Children's Trust Fund Board to make block grants to child abuse and child neglect prevention advisory boards, the Children's Trust Fund Board may make grants to child abuse and child neglect prevention programs during the period January 1, 2001, through June 30, 2001.

SECTION 167. Section 5741.02 of the Revised Code, as amended by this act, shall take effect on July 1, 2001.

SECTION 168. The repeal by this act of sections 1155.131 and 1163.17 of the Revised Code is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the repeals go into immediate effect when this act becomes law.

SECTION 169. Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, go into immediate effect when this act becomes law.

SECTION 170. Uncodified sections of law amended or enacted in this act, and items of law contained within the uncodified sections of law amended or enacted in this act, that are marked with an asterisk are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the uncodified sections and items of law

marked with an asterisk take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against an uncodified section or item of law marked with an asterisk, the uncodified section or item of law marked with an asterisk, unless rejected at the referendum, takes effect at the earliest time permitted by law.

If the amending and existing repeal clauses commanding the amendment of an uncodified section of law are both marked with asterisks, the uncodified section as amended is deemed also to have been marked with an asterisk.

An asterisk marking an uncodified section or item of law has the form *.

This section defines the meaning and form of, but is not itself to be considered marked with, an asterisk.

SECTION 171. If the amendment or enactment in this act of a codified or uncodified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the amendment or enactment by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are not subject to the referendum, the same as the amendment or enactment.

SECTION 172. An item, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2001, unless its context clearly indicates otherwise.

SECTION 173. The Tax Commissioner shall make the adjustments required by section 5117.071 of the Revised Code for the first time in 1999, for use in determining eligibility for energy credits or payments during the 1999-2000 winter heating season. To facilitate the implementation of the adjustment mechanism in 1999, the commissioner may extend as necessary any date specified in sections 5117.01 to 5117.12 of the Revised Code for the performance of a particular action by the commissioner or by an individual, energy company, or energy dealer.

SECTION 174. Sections 122.15, 122.152, 129.55, 129.63, 129.73, 718.01, 1555.12, 5528.36, 5703.052, 5703.053, 5727.01, 5727.30, 5727.31, 5727.311, 5727.32, 5727.33, 5727.38, 5727.42, 5727.48, 5727.50, 5727.60, and 5733.16 of the Revised Code, as amended by this act, first apply to the excise tax year beginning May 1, 2000. Sections 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, and 5727.29 of the Revised Code, as enacted by this act, first apply to gross receipts derived from taxable activities that occur after April 30, 2000. Natural gas companies and combined electric and gas companies must file an annual statement pursuant to section 5727.31 of the Revised Code on or before August 1, 2000, and the Tax Commissioner shall issue an assessment pursuant to section 5727.38 of the Revised Code on or before the first Monday in November for the period ending April 30, 2000. Such companies shall have made and shall make payments of the excise tax on gross receipts imposed by section 5727.30 of the Revised Code on or before October 15, 1999, March 1, 2000, and June 1, 2000, in accordance with section 5727.31 of the Revised Code. Division (D) of section 5727.42 of the Revised Code does not apply to the portion of any assessment issued by the Tax Commissioner for the period ending April 30, 2000, that reflects the excise tax owed on those gross receipts from operating as a natural gas company that would have been subject to the tax under section 5727.24 of the Revised Code, as enacted by this act.

SECTION 175. Any natural gas company that, as of July 1, 1999, has over three hundred thousand open access residential customers shall pay $10,300,000 on June 30, 2001, as an advance payment of the tax imposed by section 5727.24 of the Revised Code, as enacted by this act, for the quarter ending June 30, 2001. This payment is an advance payment of the tax that is due within 45 days after the last day of June as required by division (A) of section 5727.25 of the Revised Code, as enacted by this act. The $10,300,000 payment shall be refundable to a natural gas company as a credit in accordance with division (B) or (C) of section 5727.29 of the Revised Code.

SECTION 176. The Public Utilities Commission shall not order any surcharge, refunds, or credits in the rates of any natural gas company or combined electric and gas company as a result of or in response to the amendment of sections 5727.01, 5727.30, 5727.31, 5727.311, 5727.32,

5727.33, 5727.38, 5727.42, 5727.48, 5727.50, and 5727.60 and the enactment of sections 5727.24, 5727.25, 5727.26, 5727.27, 5727.28, and 5727.29 of the Revised Code under this act. The commission is not precluded from considering the effects of the refund set forth in section 5727.29 of the Revised Code, as enacted by this act, in the context of adjusting rates in a rate proceeding under Chapters 4909. and 4929. of the Revised Code.

SECTION 177. (A) The amendment by this act of section 5733.05 of the Revised Code applies to tax years 2000 and thereafter.

(B) Any corporation that was entitled, for tax year 1999, to make an exclusion from its capital, surplus, undivided profits, or reserves under former division (A)(6) of section 5733.05 of the Revised Code as it existed prior to its amendment by Am. Sub. H.B. 215 of the 122nd General Assembly is entitled to claim a refundable credit against the corporation franchise tax imposed by section 5733.06 of the Revised Code for tax year 2000. The amount of the credit shall equal the difference between the amount of corporation franchise tax the corporation paid for tax year 1999 and the amount of corporation franchise tax that would have been due from the corporation for that year if the exclusion was made; plus an amount that bears the same ratio to the amount of any penalty or interest paid by the corporation for that year that the difference in tax bears to the amount of tax on account of which the penalty or interest is charged.

178.* (A) Except as otherwise provided in division (B) of this section, section 5733.33 of the Revised Code, as amended by this act, applies to all purchases of new manufacturing machinery and equipment made on or after January 1, 2001, and to all baseline years used to compute any credit attributable to such purchases.

(B) Division (I) of section 5733.33 of the Revised Code, as amended by this act, may be applied solely at the election of the taxpayer with respect to all purchases of new manufacturing machinery and equipment made before January 1, 2001, and to all baseline years used to compute any credit attributable to such purchases. Such an election may be made by a taxpayer at any time, subject to the following:

(1) The election is irrevocable.

(2) The election need not accompany a timely filed report, but the election may accompany a subsequently filed but timely application for refund, a subsequently filed but timely amended report, or a subsequently

filed but timely petition for reassessment.

SECTION 179. Sections 5733.39 and division (A)(8) of section 5733.98 of the Revised Code, as amended or enacted by this act, apply to taxable years beginning on or after January 1, 2001.

SECTION 180. (A) Divisions (A)(12) and (13) of section 5733.98 of the Revised Code, as amended by this act, and section 5733.42 of the Revised Code, as enacted by this act, shall first apply to eligible training costs paid or incurred on or after January 1, 2000. Section 5733.351 of the Revised Code, as enacted by this act, shall first apply to qualified research expenses paid or incurred on or after January 1, 2001.

(B) Notwithstanding division (C) of section 5733.42 of the Revised Code, as enacted by this act, applications for a tax credit certificate filed pursuant to that section prior to the date the Department of Job and Family Services comes into existence shall be filed with the Director of Development, and the Director of Development shall perform the duties otherwise assigned to the Director of Job and Family Services under that section until that date. Rules adopted pursuant to division (F) of that section by the Director of Development shall continue in effect on and after that date, unless rescinded or amended by the Director of Job and Family Services thereafter.

SECTION 181. The amendment of sections 5112.03, 5112.06, 5112.07, 5112.08, 5112.09, and 5112.17 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of those sections.

SECTION 182. Section 102.02 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 26 and Am. Sub. H.B. 650 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 183. Section 121.24 of the Revised Code is presented in this act

as a composite of the section as amended by both Sub. H.B. 473 and Am. Sub. H.B. 538 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 184. Section 127.16 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 649 and Am. Sub. H.B. 850 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 185. Section 311.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 351 and Sub. H.B. 670 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 186. Section 329.04 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 187. Section 1547.67 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 111 and Sub. H.B. 522 of the 118th General Assembly, with the new language of

neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 188. Section 3745.11 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Am. Sub. H.B. 321 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 189. Section 4399.12 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 2 and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 190. Section 5111.01 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 191. Section 5139.43 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 215 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such

amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 192. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections contained in this act are composed, and their applications, are independent and severable.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____